

THE MYSORE LAND REVENUE ACT, 1964

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STATEMENTS OF OBJECTS AND REASONS

I

Act 12 of 1964.- The Laws relating to land and land revenue administration of Mysore, Bombay, Hyderabad and Coorg area have been codified in the respective Land Revenue Codes or Acts. but, in the Madras Are, the administration of land and land revenue is being carried on under the Board's Standing Orders and in accordance with about 23 enactments dealing with particular aspects of land and land revenue. Even through basically there are no material differences in principle among the several laws in the different areas of the State, it is desirable and administratively convenient to have a uniform law governing land and land revenue administration for the State of Mysore.

Hence this Bill.

(Published in the Kanataka Gazette (Extraordinary) Part IV-2A dated 9th August, 1962. p. 594.)

MYSORE ACT No. 12 OF 1964.

(First published in the Mysore Gazette on the Nineteenth day of March, 1964.)

THE MYSORE LAND REVENUE ACT, 1964.

(Received the assent of the President on the Sixth day of March, 1964.)

An Act to consolidate and amend the law relating to land and the land revenue administration in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to land, the assessment and recovery of land revenue, the land revenue administration and other matters hereinafter appearing;

BE it enacted by the Mysore State Legislature in the Fourteenth year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short Title, Extent and Commencement.—(1) This Act may be called the Mysore Land Revenue Act, 1964.

(2) It shall extend to the whole of the State of Mysore.

(3) It shall come into force on such ¹[date]¹ as the State Government may, by notification, appoint

1. The Act has come in to force w.e.f. 1.4.1964 by notification. Text of the notification is at the end of the Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) “alienated” means transferred in so far as rights of the State Government to payment of the rent or revenue are concerned, wholly or partially, to the ownership of any person;

(2) “building site” means a plot of land held for building purposes, whether any building is actually erected thereupon or not, and includes the open ground or courtyard enclosed by, or adjacent to, any building erected thereupon;

(3) “boundary mark” means any erection, whether of earth, stone or other material and also any hedge, unploughed ridge, or strip of ground or other object, whether natural or artificial, set-up, employed or specified by a Survey Officer, or other Revenue Officer, having the authority in that behalf, in order to determine the boundary of any division of land;

(4) “certified copy” or “certified extract” means copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872 (Central Act 1 of 1872);

(5) “chavadi” includes, in any village in which there is no chavadi, such place as the Deputy Commissioner may by notification direct to be the chavadi for the purpose of this Act;

(6) “city” includes any local area declared as a Municipal Corporation, a City Municipality or a Borough Municipality under any law for the time being in force;

(7) “classification value” means the relative valuation of land as recorded in the survey records having regard to its soil, water and other advantages;

(8) ‘class of land’ means any of the following classes of land, namely, dry land, wet land, garden land ;

(9) "estate" means any interest in land and the aggregate of such interests vested in a person or body of persons capable of holding the same;

(10) "group" means all lands in a zone which, in the opinion of the State Government or an officer authorised by it in this behalf, are sufficiently homogeneous in respect of the factors enumerated in section 116 to admit of the application to them of the same standard rates for the purpose of the assessment of land revenue;

(11) "to hold land" or to be a "land-holder" or "holder of land" means to be lawfully in possession of land, whether such possession is actual or not;

(12) "holding" means a portion of land held by a holder;

(13) "joint holders" or "joint occupants" mean holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu law, or otherwise, and whose shares are not divided by metes and bounds; and where land is held by joint holders or joint occupants, "holder" or "occupant", as the case may be, means all of the joint holders or joint occupants;

(14) "land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages or other defined areas;

(15) "landlord" means a person who has leased land to a tenant and includes a person entitled to receive rent from a tenant;

(16) "land records" means records maintained under the provisions of or for the purposes of this Act;

(17) "local authority" means,-

(i) in any municipal area, the Corporation, the Municipal Council, the Cantonment Board, the Sanitary Board or Notified Area Committee, as the case may be;

(ii) in any village, the Village Panchayat or the Town Panchayat constituted under the Mysore Village Panchayats and Local Boards Act, 1959;

(18) "notification" means a notification published in the official Gazette;

(19) "occupation" means possession, and "to occupy land" means to possess or take possession of land;

(20) "occupant" means a holder in actual possession of unalienated land other than the tenant:

Provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant;

Explanation.—The grantee of a raiyatwari patta in receipt of any land in the Madras area and Bellary District, shall be deemed to be the occupant of such land for purposes of this Act.

(21) "occupancy" means the portion of land held by an occupant;

(22) "prescribed" means prescribed by rules made under this Act;

(23) "rental value" means the consideration (including premia, if any, or any sum of money paid or promised, or a share of crops or any other thing of value rendered periodically or on specified occasions) for which land is or could be leased for a period of one year for its most advantageous use:

(24) "Revenue Officer" means every officer of any rank whatsoever appointed under or employed for the purposes of this Act;

(25) "revenue year" means the year commencing on the first day of July;

(26) “settlement” means the result of the operations conducted in a zone in order to determine the land revenue assessment;

(27) “standard rate” means with reference to any particular class of land in a group, the value of six and one fourth percent of the average yield of crops per acre on land in that class of one hundred per cent classification value;

(28) “superior holder” means a land holder entitled to receive rent or land revenue from other land holders (hereinafter called ‘inferior holders’), whether he is accountable or not for such land or land revenue or any part thereof, to the State Government:

Provided that where land has been granted free of rent or land revenue, subject to the right of resumption in certain specified contingencies by a Jahgirdar, Inamdar, or other such holder of an alienated land, whose name is authorisedly entered as such in the land records, such Jahgirdar, Inamdar or holder, shall, with reference to the grantee, be deemed to be the superior holder of the land so granted by him and the grantee, with reference to the grantor be deemed to be the inferior holder of such land;

(29) “survey” includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary and includes a re-survey;

(30) “survey mark” means any mark or object, erected, made, employed or specified by a Survey Officer to indicate or determine or assist in determining the position or level of any point or points;

(31) “Survey Officer” means an officer appointed under or in the manner provided by section 18;

(32) “survey number” means a portion of land of which the area and assessment are separately entered under an indicative number in the land records; and “sub-division of a survey number” means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion;

(33) “survey settlement” includes a settlement made under the provisions of Chapter X;

(34) “tenant” means a lessee, whether holding under an instrument or an oral agreement and includes,—

(i) a person who is or is deemed to be a tenant under any law for the time being in force;

(ii) a mortgagee of a tenant’s rights with possession; or

(iii) a lessee holding directly under the State Government or a local authority or body corporate;

(35) “terms of settlement” means the period for which the State Government has declared that a settlement shall remain in force;

(36) “town” includes a Panchayat town or a town area under the Mysore Village Panchayats and Local Boards Act, 1959;

(37) “Tribunal” means the Mysore Revenue Appellate Tribunal constituted under section 40;

(38) “village” means a local area which is recognised in the land records as a village for purposes of revenue administration and includes a town or city and all the land comprised within the limits of a village, town or city;

(39) "Village Accountant" means a Village Accountant appointed, or deemed to be appointed, under section 16;

(40) "zone" means a local area comprising a taluk or group of taluks or portions thereof of one or more district, which, in the opinion of the State Government, or an officer authorised by it in this behalf is contiguous and homogeneous in respect of,—

- (i) physical configuration,
- (ii) climate and rainfall.
- (iii) principal crops grown in the area, and
- (iv) soil characteristics.

CHAPTER II

CONSTITUTION AND POWERS OF THE REVENUE OFFICERS

3. Chief controlling authority in revenue matters.—The State Government shall be the chief controlling authority in all matters connected with land and land revenue administration under this Act.

4. State to be divided into Divisions, Divisions into Districts and Districts to consist of Taluks comprising Circles and Villages.— (1) The State Government may, by notification, determine the areas in the State which shall form a division and may, by notification, alter the limits of or abolish the division and may by notification, alter the limits of or abolish the division so formed.

(2) Each Division shall be divided into such districts with such limits, as may, by notification, be determined by the State Government.

(3) Each district determined under sub-section (2) shall consist of such taluks and each taluk shall consist of such circles and each circle shall consist of such villages as may, by notification, be determined by the State Government.

(4) The State Government may, by notification, alter the limits of any district, taluk or circle and may create new, or abolish existing districts, taluks or circles.

(5) The divisions, districts, taluks, circles (by whatever name called) and villages as they exist immediately before the commencement of this Act, shall remain as they are for the purposes of this Act until altered by the State Government by notifications under sub-sections (1), (2), (3) and (4).

5. Power of State Government to alter limits of or to amalgamate or constitute villages.—The State Government may, subject to such conditions and in such manner as may be prescribed, alter or add to the limits of any village or amalgamate two or more villages or constitute a new village for the purpose of this Act.

6. Procedure for constitution, abolition, etc., of Division, districts, taluks, circles or villages.—Before the publication of any notification under section 4 or 5 declaring any area to be a division, districts, taluk, circle or village or altering the limits of any division district, taluk, circle or village, or abolishing any of any division, district, taluk, circle or village, the State Government shall publish in the official Gazette and in such other manner as may be prescribed, a notice of the

proposal inviting objections and shall take into consideration any objections to such proposal.

7. Appointment, duties and functions of Divisional Commissioners.- (1) The State Government shall, by notification, appoint for each Division, a Divisional Commissioner.

(2) Subject to the control of the State Government, the Divisional Commissioner shall be the Chief Revenue Officer in the division and shall exercise powers of superintendence and control within the division over all Officers subordinate to him.

(3) The Divisional Commissioner shall exercise the powers and discharge the duties conferred and imposed on him by or under this Act or any other law for the time being in force. He shall also exercise such powers and discharge such duties as the State Government may confer or impose in this behalf for the purpose of carrying out the provisions of this Act or any other law for the time being in force.

8. Deputy Commissioner.—(1) The State Government shall by notification, appoint for each district a Deputy Commissioner, who shall be subordinate to the Divisional Commissioner.

(2) The Deputy Commissioner shall in his district exercise all the powers and discharge all the duties conferred and imposed on him under this Act or under any law for the time being in force. He may also exercise such powers and discharge such duties as are conferred and imposed on an Assistant Commissioner under this Act or under any other law for the time being in force, and in all matters not specially provided for by law, he shall act according to the instructions of the State Government.

9. Special Deputy Commissioner.—(1) Whenever the State Government considers that for any purpose it is expedient to appoint a Special Deputy Commissioner for any district, it may, by notification, appoint a Special Deputy Commissioner for such district, for such purpose and for such period as may be specified in such notification.

(2) The Special Deputy Commissioner shall exercise such powers and perform such duties as are exercised or performed by the Deputy Commissioner in the district or a part of the district under this Act, or any other law for the time being in force, as the State Government may direct.

(3) The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the Divisional Commissioner. He shall also be subordinate to the Deputy Commissioner of the district, except in such matters as the State Government may, by general or special order, specify in this behalf.

10. Assistant Commissioners.— (1) The State Government may, by notification, appoint to each district as many Assistant Commissioners as it may deem expedient; all such Assistant Commissioners and all other officers employed in the Revenue Administration of the district shall be subordinate to the Deputy Commissioner.

(2) The State Government, may place any Assistant Commissioner appointed under sub-section (1) to be in-charge of the revenue administration of a

part of a district comprising one or more taluks called a Revenue Sub-Division. Such Assistant Commissioner shall perform all the duties and exercise all the powers conferred upon the Assistant Commissioner by this Act or any other law for the time being in force. Such Assistant Commissioner shall also, subject to the provisions of Chapter V and to the orders of the State Government, if any, perform all the duties and exercise all the powers conferred upon the Deputy Commissioner by this Act or any other law for the time being in force.

(3) An Assistant Commissioner appointed under sub-section (1), but not placed in-charge of a Revenue Sub-Division under sub-section (2) shall, subject to the orders of the State Government, exercise such powers and perform such duties as the Deputy Commissioner may assign to him.

11. Tahsildars.—(1) The State Government shall, by notification, appoint to each taluk a Tahsildar who shall be the Chief Officer entrusted with the land revenue administration of the Taluk. He shall be subordinate to the Assistant Commissioner in-charge of the Taluk and where there is no such Assistant Commissioner, to the Deputy Commissioner of the District.

(2) The duties and powers of a Tahsildar shall be such as may be expressly imposed or conferred upon him by this Act or any other law for the time being in force or as may be imposed by or delegated to him by the Deputy Commissioner under the general or special orders of the State Government.

12. Special Tahsildars.—(1) Whenever the State Government considers that for any purpose it is expedient to appoint a Special Tahsildar for any Taluk, it may, by notification, appoint a Special Tahsildar for such Taluk for such purpose and for such period as may be specified in such notification.

(2) A Special Tahsildar shall exercise such powers and discharge such duties as are exercised or performed by the Tahsildar in a taluk or part of a taluk under this Act or any other law for the time being in force, as the State Government may direct.

(3) A Special Tahsildar shall be subordinate to the Assistant Commissioner in-charge of the Taluk and where there is no such Assistant Commissioner to the Deputy commissioner of the district. A Special Tahsildar shall be subordinate to the Tahsildar in the Taluk except in such matters as the State Government may, by order, specify in this behalf.

13. A Tahsildar or a Special Tahsildar may depute subordinates to perform certain of his duties.—A Tahsildar or a Special Tahsildar may, subject to such orders as may be passed by the Divisional Commissioner or the Deputy Commissioner, depute any of his subordinates to perform any portion of his ministerial duties:

Provided that all acts of his subordinates when so employed shall be liable to revision and confirmation by such Tahsildar or Special Tahsildar.

14. Officers to discharge duties during temporary vacancy.—

(1) If the Divisional Commissioner is disabled from performing his duties, or is on leave or for any reason vacates his office or dies, the Deputy Commissioner

stationed at the headquarters of the Divisional Commissioner, shall unless other provision is made by the Government, succeed temporarily to his office and shall be deemed to be the Divisional Commissioner of the Division under this Act, until the Divisional Commissioner resumes charge of his Division, or until the Government appoints a successor to the former Divisional Commissioner, and such successor takes charge of his appointment.

(2) If the Deputy Commissioner is disabled from performing his duties or for any reason vacates his office or leaves his district or dies, the Special Deputy Commissioner, if any, or in his absence, the senior most Assistant Commissioner at the district headquarters shall, unless other provision has been made by the State Government, succeed temporarily to his office, and shall be deemed to be the Deputy Commissioner under this Act, until the Deputy Commissioner resumes charge of his district, or until the State Government appoints a successor and such successor takes charge of his appointment.

(3) If the Assistant Commissioner of a Revenue Sub-Division is disabled from performing his duties or is on leave or for any reason vacates his office or dies, the Tahsildar stationed at the headquarters of the Assistant Commissioner shall, unless other provision is made by the Government, succeed temporarily to his office and shall be deemed to be the Assistant Commissioner of the Revenue Sub-Division under this Act, until the Assistant Commissioner resumes charge of his Revenue Sub-Division, or until the Government appoints a successor to the former Assistant Commissioner, and such successor takes charge of the appointment.

(4) If a Tahsildar is disabled from performing his duties or for any reason, vacates his office or leaves his taluk or dies, the Special Tahsildar, if any, or in his absence, the senior most ministerial officer in the Taluk Office shall succeed temporarily to the said Tahsildar's Office and shall be deemed to be the Tahsildar under this Act, until the Tahsildar resumes charge of his Taluk or until such time as a successor is duly appointed and takes charge of his appointment.

15. Revenue Inspectors.—(1) The Deputy Commissioner may subject to the general orders of the Divisional Commissioner or the State Government, appoint a Revenue Inspector for each circle and he shall perform all the duties of a Revenue Inspector prescribed in or under this Act or in or under any other law for the time being in force, and shall hold office and be governed by such rules as may be prescribed.

(2) Persons holding the office of Revenue Inspector for a circle (by whatever name called) immediately prior to the commencement of this Act shall be deemed to be Revenue Inspectors for such circle till another person is appointed under subsection (1).

16. Village Accountant.—(1) The Deputy Commissioner may, subject to the general orders of the State Government and the Divisional Commissioner, appoint a Village Accountant for a village or group of villages and he shall perform all the duties of a Village Accountant prescribed in or under this Act or in or under any other law for the time being in force, and shall hold office under and be governed by such rules as may be prescribed.

(2) Persons holding the office of a Village Accountant for a village or group of villages immediately prior to the commencement of this Act shall be deemed to be

Village Accountants for such village or group of villages till another person is appointed under sub-section (1).

17. Village Accountant to keep such records as he may be required to keep and prepare public records.—(1) The State Government shall prescribe the registers, accounts and other records that shall be kept by the Village Accountant.

(2) The Village Accountant shall keep all such registers, accounts and other records as may be prescribed under sub-section (1) and he shall, whenever called upon by any superior revenue officer of the taluk or district, prepare all records connected with the affairs of the village, which are required either for the use of the Central or the State Government or the public, such as notices, reports, mahazars and depositions.

18. Survey Officers.—(1) For purposes of survey, assessments and settlements of land revenue and the settlements of boundaries and connected matters provided for in this Act, the State Government may, by notification, appoint such officers as it may deem necessary. Such officers shall be designated “Commissioner of Survey, Settlement and Land Records”, “Deputy Commissioner of Land Records”, “Deputy Commissioner for Settlement”, “Superintendent of land records”, “Assistant Superintendent of land records”, “Settlement Officers and Assistant Settlement Officers”, or otherwise as the State Government may deem fit. Each such officer shall be subordinate to such officer or officers as the State Government directs.

(2) Subject to the orders of the State Government, the officers appointed under sub-section (1) shall have the power to take cognizance of all matters connected with survey and settlement and shall exercise all such powers and perform all such duties as may be prescribed by or under this Act or any other law for the time being in force.

19. Other Officers.—(1) The State Government may appoint such other officers and invest them with such powers as may be necessary to give effect to the provisions of this Act.

(2) Such officers shall discharge such duties and be subordinate to such officers as the State Government may direct.

20. Combination of offices.—It shall be lawful for the State Government to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

21. Seals.—The State Government shall, by notification, specify the Revenue Officers, who shall use a seal and prescribe the size and description of the seal to be used by such officers.

22. Demands for money, papers, etc., in the hands of a Revenue Officer or other person.— (1) The Deputy Commissioner of a District or the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement] or

any officer appointed by such Deputy Commissioner in this behalf, shall, in all cases in which the State Government may have a claim on any Revenue Officer or any person formerly employed as such in his district or department for public money or papers or other Government property, by order under his official seal and signature, require the money or the papers or property detained by such Revenue Officer or person to be delivered either immediately to the person delivering such order, or to such person at such date and at such place as the order may specify.

(2) If the Revenue Officer or other person against whom an order is made under sub-section (1) does not pay the money or deliver up the papers or the property as directed, or fails to assign sufficient cause for non-compliance with the demand made as aforesaid, the Deputy Commissioner of the District or the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement, as the case may be, may cause the Revenue Officer or the other person to be apprehended and may send him with a warrant in the form prescribed, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him:

Provided that no person shall be detained in confinement by virtue of such warrant for a period exceeding ninety days.

23. Recovery of public money or property from revenue officers or other persons.—(1) The Deputy Commissioner of his own motion, if the Revenue Officer or other person is or was serving in his Department and district, and upon the application of the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement, if such officer or person is or was serving in the Survey and Land Records Department in his district, may,-

(a) take proceedings to recover any public moneys due by such officer or person in the same manner and subject to the same rules as are applicable for the recovery of arrears of land revenue from a defaulter; and

(b) issue a search warrant for the purpose of recovering public papers or other property of the State Government, and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898.

(2) It shall be the duty of all persons in possession of such public moneys, papers or other property of the State Government to make over the same forthwith to the Deputy Commissioner, and every person knowing where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

(3) Whoever contravenes the provisions of sub-section (2) shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

CHAPTER III

PROCEDURE OF REVENUE OFFICERS

24. Revenue Officers to be Revenue Courts.—A Revenue Officer, not below the rank of a Tahsildar while exercising power under this Act, or any other law for the time being in force, to inquire into or to decide any question arising, for determination between the State Government and any person or between parties to any proceedings, shall be a Revenue Court.

25. Saving of inherent powers of a Revenue Court.—Nothing in this Act, shall be deemed to limit or otherwise affect the inherent power of the Revenue Court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Revenue Court.

26. Place for holding enquiries or hearing cases.—Subject to the direction and control of the officer to whom he is subordinate, and except for reasons to be recorded in writing, no Revenue Officer shall enquire into, or hear, any case at any place outside the local limits of the jurisdiction:

Provided that where the place of headquarters of a Revenue Officer is outside the local limits of his jurisdiction, he may enquire into, or hear, any case at such place without any such direction or control.

27. Power to transfer cases.—(1) The Tribunal, on an application made to it in this behalf or otherwise may, if it is of opinion that it is expedient for the ends of justice, order that any case or class of cases arising under this Act, or any other law for the time being in force, be transferred from any Regional Commissioner to any other Regional Commissioner.

(2) The Divisional Commissioner, on an application made to him in this behalf or otherwise, may, if he is of opinion that it is expedient for the ends of justice, order that any case or class of cases arising under this Act, or any other law for the time being in force, be transferred from any Revenue Officer to any other Revenue Officer competent to deal with it in the same district or any other district in the same Division.

(2) The Deputy Commissioner may transfer any case or class of cases arising under this Act or any other law for the time being in force, for inquiry or decision, from his own file or from the file of any other Revenue Officer subordinate to him, to the file of any other Revenue Officer subordinate to him and competent to deal with such cases or class of cases.

(3) A Deputy Commissioner may withdraw any case or class of cases arising under this Act or any other law for the time being in force, from the file of any Revenue Officer subordinate to him to his own file and deal with such case or class of cases himself.

28. Power to take evidence, summon persons to give evidence and produce documents.—(1) Every Revenue Officer not lower in rank than a Tahsildar or an Assistant Superintendent of Land Records in their respective departments, shall have the power to take evidence on oath and to summon any person whose attendance he considers necessary, either to be examined as a party, or to give evidence as a witness, or to produce documents, for the purpose of any inquiry which such officer is legally empowered to make.

(2) Any person summoned under sub-section (1) shall be bound to attend either in person or by an authorised agent as directed in the summons:

Provided that exemptions under sections 132 and 133 of the Code of Civil Procedure, 1908, shall be applicable to requisitions for attendance under this section.

(3) Every person summoned under sub-section (1) either to be examined as a party or to give evidence as a witness shall be bound,—

(i) to state the truth upon any subject respecting which he is examined or makes a statement; and

(ii) to produce such documents as may be required.

(4) Any person summoned merely to produce a document shall be deemed to have complied with the summons by causing the production of such document instead of attending personally to produce the same.

29. Contents of summons and the manner in which it has to be issued and served.—(1) Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued and shall be signed by the officer issuing it or by any subordinate officer in the office authorised by him in this behalf and if such officer have a seal, shall also bear his seal; it shall require the person summoned to appear before the said officer at the time and place stated in it and shall specify whether his attendance is required for the purpose of giving evidence or to produce documents or for both.

(2) Every summons shall be served by tendering or delivering a copy of it to the person summoned, or if he cannot be found, to some adult male member of his family residing with him; if there is no such adult member, the service may be effected by affixing a copy of the summons in some conspicuous part of the house where the person summoned ordinarily resides or last resided.

(3) If the ordinary residence of the person summoned be in any other district, the summons may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with sub-section (2).

(4) Notwithstanding anything contained in sub-section (2) or (3), a Revenue Court may either on its own motion or on the application of a party, either in the first instance or when summons last issued is returned unserved, direct the service of summons by registered post pre-paid for acknowledgment. The postal acknowledgment purporting to contain the signature of the person summoned may be deemed to be *prima facie* proof of sufficient service of the summons on the person summoned on the day on which it purports to have been signed by him. If the postal cover is returned unserved, any endorsement purporting to have been made thereon by the delivery peon or other employee or officer of the Postal Department shall be *prima facie* evidence of the statements contained in such endorsement.

30. Mode of serving notices.—(1) Every notice under this Act, unless it is otherwise expressly provided, shall be served by tendering or delivering a copy thereof, to the person on whom it has to be served or his agent, if he have any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

(2) If the person on whom the notice is to be served resides in any other district, the notice may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with sub-section (1).

(3) No notice served under this section shall be deemed void on account of any error in the name or designation of any person referred to therein, unless such error has caused substantial injustice.

31. Procedure for procuring attendance of witnesses.—In any formal or summary inquiry, if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, 1908, for purposes of applying for summonses for witnesses.

32. Compelling attendance of witnesses and examination of witnesses on commission.—(1) If any person on whom a summons to attend as witness or to produce any document has been served, fails to comply with the summons, the officer by whom the summons has been issued may,—

- (a) issue aailable warrant of arrest;
- (b) order him to furnish security for appearance; or
- (c) impose upon him a fine not exceeding twenty rupees.

(2) Notwithstanding anything contained in sub-section (1), when the person whose evidence is required is unable from sickness or infirmity to attend or is a person exempted under section 132 or section 133 of the Code of Civil Procedure, 1908, from personal appearance before a Court, the officer issuing the summons may, of his own motion, or on the application of the party whose evidence is desired, dispense with the appearance of such person, and direct such person to be examined on commission issued to a subordinate officer deputed for the purpose.

33. Formal inquiry.—(1) In any formal inquiry prescribed for the determination of any question by or under this Act, or any law for the time being in force, the evidence shall be taken down in full, in writing in Kannada or English or in any such language as may be prescribed by the State Government for use in the district or part of the district, by the officer conducting the inquiry and shall be signed by him.

(2) Where on account of physical disability or other reason to be recorded, the officer conducting the inquiry does not take down the evidence himself, he shall cause such evidence to be taken down in full in writing in his presence and hearing and under his personal superintendence and direction, and such record shall be signed by him.

(3) Every decision or order after a formal inquiry shall contain a full statement of the grounds on which it is made or passed and shall be written and signed by the officer making the decision or passing the order, or from the dictation of such officer, in which case, a certificate to that effect shall be made and signed by such officer in his own hand.

34. Summary inquiry.—When a summary inquiry is prescribed for determination of any question by or under this Act or any law for the time being in force, the officer conducting such inquiry shall himself, as such inquiry proceeds, record in his own hand, in Kannada or in English or in any other language of the taluk or village as declared by State Government, the summary of the evidence and

a minute of the proceedings containing the material averment made by the parties interested, the decision and the reasons for the same:

Provided that it shall at any time be lawful for the officer, if he deems fit, to conduct an inquiry directed by this Act to be summary, under all or any of the provisions applicable to a formal inquiry.

35. Formal and summary inquiry to be deemed judicial proceedings.—A formal or a summary inquiry under this Act shall be deemed to be “judicial proceedings” within the meaning of sections 193, 219 and 228 of the Indian Penal Code, and the officer or any authority holding a formal or summary inquiry shall be deemed to be a Civil Court for the purposes of such inquiry.

36. Hearing and decisions to be in public and after notice.—(1) Every hearing whether in a formal or summary inquiry, shall be in public and the parties or their recognised agents shall have due notice to attend. Every order passed after hearing shall be signed and pronounced in open court on a day of which due notice shall be given to the parties or their recognised agents:

Provided that when neither a party nor his recognised agent is present in court when the order is pronounced, the substance of the order containing the decision shall be communicated by post to such party or his recognised agent.

(2) If any party to a case or proceeding, whether in a formal or summary inquiry does not appear on the date fixed for hearing, after due service of a notice or summons on him, the case or proceeding may be heard and determined in his absence, or may be dismissed for default, as the case may be.

(3) The party against whom any order is passed under sub-section (2) may apply within thirty days from the date of such order or knowledge of the order in case the notice or summons was not duly served, to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing and the Revenue Officer may, after a notice to the opposite party who was present on the date on which such order was passed and after making such inquiry as he considers necessary, set aside the order passed and decide the case on merits.

37. Inquiries other than formal or summary.—An inquiry which this Act does not require, either to be formal or summary, or which any Revenue Officer may, on any occasion, deem to be necessary to make in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the State Government, and, subject to such rules, according to the discretion of the officer in such a way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

38. Power to enter upon any lands or premises for the purposes of measurements, etc.—Whenever necessary, for the purposes of measurement, fixing or inspecting boundaries, classification of soil, or assessment or for any other purpose connected with the lawful exercise of his office under the provisions of this Act, or of any other law for the time being in force, relating to land revenue, any Revenue Officer and, when under his observation and control, his servants and

workmen, when so directed, may enter any land or premises, whether belonging to the State Government or to any other person:

Provided that no person shall enter into any building used as a dwelling house or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier previous notice of not less than seven days and in making such entry, due regard shall be paid to the social and religious sentiments of the occupier.

39. Manner of evicting any person wrongfully in possession of land.—

Whenever it is provided by this Act or any other law for the time being in force that the Deputy Commissioner may or shall evict any person wrongfully in possession of land or where any order to deliver possession of land has been passed against any person under this Act, such eviction shall be made or such order shall be executed, as the case may be, in the following manner, namely:—

(i) by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and

(ii) if such notice is not obeyed, by removing or deputing a subordinate officer to remove any person who may refuse to vacate the same, and

(iii) if the officer removing any such person is resisted or obstructed by any person, the Deputy Commissioner or the Revenue Officer, as the case may be, shall hold a summary inquiry into the facts of the case and, if satisfied that the resistance or obstruction was without any just cause and that such resistance and obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.

CHAPTER IV

CONSTITUTION AND POWERS OF THE MYSORE REVENUE APPELLATE TRIBUNAL

40. Constitution of the Revenue Appellate Tribunal.— (1) The State Government shall, by notification, constitute for the State of Mysore, an Appellate Tribunal called the Mysore Revenue Appellate Tribunal.

(2) The Tribunal shall consist of the following six members appointed by the State Government, namely:—

(a) a Chairman, who shall be an officer of the rank of Divisional Commissioner; and

(b) five members, three of whom shall be persons who are District Judges, and the others shall be officers having experience in administration of revenue matters not below the rank of a Deputy Commissioner.

(3) If, by reason of any increase in the business of the Tribunal or by reason of arrears of work therein or otherwise, it appears to the State Government that the number of members of the Tribunal should be for the time being increased, the State Government may, by notification, appoint persons having the qualifications specified in clause (b) of sub-section (2) to be additional members of the Tribunal for such period as the State Government may specify.

(4) The Mysore Revenue Appellate Tribunal constituted under the Mysore Revenue Appellate Tribunal Act, 1957 (Mysore Act 24 of 1957) and functioning as such immediately prior to the commencement of this Act shall continue to function as the Tribunal for the purposes of this Act, until a Tribunal is duly constituted in accordance with the provisions of this section.

41. Conduct of business of the Tribunal.—(1) The powers of the Tribunal in all matters relating to appeals, revisions and other proceedings, shall be exercised by a Bench of two members:

Provided that the Chairman of the Tribunal may, and if a Bench consisting of two members so thinks fit, shall, constitute a full Bench consisting of not less than three members for the hearing of any appeal, revision, reference or other proceeding:

Provided further that in every Bench there shall be a District Judge and an officer having experience in administration of revenue matters.

(2) Notwithstanding anything contained in sub-section (1), a single member of the Tribunal may exercise the powers of the Tribunal in the following matters, namely:—

(i) admission of an appeal or revision petition;

(ii) admission of an appeal or revision petition presented after the expiry of the period allowed by law;

(iii) stay orders pending disposal of an appeal, revision, reference or other proceeding:

(iv) any matter of an interlocutory character in appeals, revisions, references or other proceedings:

Provided that any person aggrieved by an order of rejection of an appeal or petition may apply for a revision of such order, when the matter shall be heard and disposed of by a Bench of two members.

(3) Where an appeal, revision, reference or application is heard by a Bench consisting of two or more members, the appeal, revision, reference or application shall be decided in accordance with the opinion of such members or of the majority, if any, of such members:

Provided that where the Bench hearing an appeal, revision, reference or application is composed of two members, and the members composing the Bench differ in opinion on any point material for the decision of the case, they shall state such point, and the case shall then be heard upon that point only by another member of the Tribunal and such point shall be decided according to the opinion of the majority of the members, including those who first heard it.

42. Sittings of the Tribunal.—(1) The headquarters of the Tribunal shall be at Bangalore.

(2) Notwithstanding anything contained in sub-section (1), Benches of the Tribunal may, from time to time and subject to such conditions as may be prescribed, have sittings at such places as the Chairman of the Tribunal may specify.

43. Powers of the Tribunal.—(1) The Tribunal shall exercise such powers of appeal, reference or revision as are vested in it by or under this Act or any other law for the time being in force.

(2) All appellate and revisional powers vested in or exercisable under any law by the Tribunal constituted under the Mysore Revenue Appellate Tribunal Act, 1957 (Mysore Act 24 of 1957), before the commencement of this Act, shall stand transferred to and be exercisable by the Tribunal constituted under section 40 and any reference in any law to the Mysore Board of Revenue or to the Mysore Revenue Appellate Tribunal or to the Mysore Revenue Appellate Tribunal shall be construed as a reference to the Tribunal constituted under section 40.

(3) The State Government may, by notification, confer upon or entrust to the Tribunal any appellate or revisional power or function assigned to the State Government or other authority or officer by or under any law for the time being in force, and the Tribunal shall be competent to exercise the powers or discharge the functions so conferred or entrusted.

44. Powers of review.—(1) The Tribunal may either on its own motion or on the application of any party affected, review any order passed by itself and pass such orders in reference thereto as it deems necessary:

Provided that no such application made by any party thereto shall be entertained unless the Tribunal is satisfied that there has been discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of such party or could not be produced by him at the time when the order was passed or that there has been some mistake or error apparent on the face of the record or that there has been any other sufficient reason:

Provided further that,—

(i) no order shall be varied or reversed unless notice has been given to the parties affected, and

(ii) no order affecting any question of right between private persons shall be reviewed except on the application of the party affected.

(2) Every application under sub-section (1) for a review of the order shall be made within a period of ninety days from the date of the order.

(3) The provisions of sections 4, 5 and 12 of the Limitation Act, 1963, shall apply to an application for review under this section.

45. Finality of the orders of the Tribunal.—Notwithstanding anything contained in any law, but subject to the provisions of section 44 every decision of the Tribunal shall be final and shall not be called in question in any Court.

46. Powers of the Tribunal to call for returns, etc.—The Tribunal may, in respect of matters subject to its appellate or revisional jurisdiction, do all or any of the following, namely:—

(a) call for returns from the authorities subject to its jurisdiction;

(b) issue general directions and prescribe forms for regulating the practice and proceedings of such authorities:

Provided that such directions and forms shall not be inconsistent with the provisions of any law for the time being in force.

47. Proceedings of Tribunal to be judicial proceedings.—Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

48. Power to make regulations.—(1) The Tribunal shall, after previous publication and with the previous sanction of the State Government, make regulations consistent with the provisions of this Act, and the rules made thereunder for regulating generally the practice and procedure of the Tribunal and the disposal of its business including regulations as to the time within which, in the absence of any express provision in the relevant enactment, appeals or applications to the Tribunal, may be filed and as to the costs of and incidental to any proceedings before the Tribunal.

(2) The regulations made under sub-section (1) shall be published in the official Gazette.

CHAPTER V

APPEAL AND REVISION

49. Appeals from original orders.—Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act or the rules made thereunder, —

(a) if such an order is passed by a Revenue Officer subordinate to the Assistant Commissioner, to the Assistant Commissioner;

(b) if such an order is passed by the Assistant Commissioner whether or not invested with the powers of the Deputy Commissioner, to the Deputy Commissioner;

(c) if such an order is passed by the Deputy Commissioner, to the Tribunal;

(d) if such an order is passed by the Divisional Commissioner, to the Tribunal.

(e) if such an order is passed by any Survey Officer subordinate to the Deputy Commissioner of Land Records or by any Settlement officer subordinate to the Deputy Commissioner for settlement, to the Deputy Commissioner of land records or the Deputy Commissioner for settlement, as the case may be;

(f) if such an order is passed by the Deputy Commissioner of land records or the Deputy Commissioner for Settlement, to the Commissioner for Survey, settlement and land records;

(g) if such an order is passed by the Commissioner for Survey, Settlement and Land Records to the Tribunal;

50. Second Appeal.—(1) A second appeal shall lie against any order passed in a first appeal under section 49,—

(a) if such an order is passed by the Assistant Commissioner, to the Deputy Commissioner;

(b) if such an order is passed by the Deputy Commissioner, to the Tribunal;

(c) if such an order is passed by the Deputy Commissioner of land records or the Deputy Commissioner for Settlement, or by the Commissioner of Survey, Settlement and Land Records to the Tribunal.

(2) An order passed on second appeal shall be final.

51. Limitation of Appeals.— No appeal shall lie,—

(a) in the case of a first appeal, after the expiry of sixty days from the date of the order appealed against; and

(b) in the case of a second appeal, after the expiry of ninety days from the date of the order appealed against.

52. Application of the Limitation Act.—Save as otherwise provided in this Act, the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (Central Act 36 of 1963) shall *mutatis mutandis* apply to all appeals under this Act.

53. Copy of the order to accompany petition of appeal.—Every petition of appeal shall be accompanied by a certified copy of the order appealed from, unless the production of such copy is dispensed with by the appellate authority.

54. Powers of appellate authority.—The appellate authority may, for reasons to be recorded in writing either annul, reverse, modify or confirm the order appealed from, or may direct the officer making the order by himself or by any of his subordinate officers, to make further inquiry or to take additional evidence on such points as the appellate authority may specify, or the appellate authority may itself make such inquiry or take such additional evidence:

Provided that no additional evidence, whether oral or documentary shall be directed to be taken, unless,—

(a) the Revenue Officer from whose order the appeal is preferred has refused to admit evidence which ought to have been admitted, or

(b) the appellate authority requires any document to be produced or any witness to be examined to enable it to pronounce orders, or

(c) for any substantial cause the appellate authority allows such evidence or document to be produced or witness to be examined:

Provided further that when additional evidence is allowed to be produced, by an appellate authority, such authority shall record the reason for its admission.

55. Stay of execution of orders.—(1) A Revenue Officer who has passed an order or his successor in office, may at any time before the expiry of the period prescribed for appeal, direct the execution of such order to be stayed for such time as may be requisite for filing the appeal and obtaining a stay order from the appellate authority.

(2) The appellate authority may, at any time, direct that the execution of the order appealed from, be stayed for such time as it may think fit, or till the decision of the appeal, whichever is earlier and may on sufficient cause being shown, cancel or vary such order made directing stay.

(3) No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section.

56. Power of Revision.—(1) The Tribunal, any Revenue Officer not inferior in rank to an Assistant Commissioner, and any Survey Officer not inferior in rank to a superintendant of Land Records or an Assistant Settlement Officer in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate officer under this Act for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of the proceedings of such officer.

Explanation.—For the purposes of this sub-section,- all revenue officers shall be deemed to be subordinate to the Tribunal

(2) If, in any case, it shall appear to the Tribunal or to such officer aforesaid, that any decision or order or proceedings so called for should be modified, annulled, or reversed, the Tribunal or such officer may pass such order as may be deemed fit:

Provided that no order shall be modified, annulled, or reversed unless notice has been served on the parties interested and opportunity given to them of being heard.

(3) No application for revision under this section shall be entertained and no power of revision on such application shall be exercised against any order from which an appeal lies under this chapter and no application for revision shall be entertained unless such application is presented within a period of four months from the date of such order.

57. Orders expressly made final under the act.—Whenever in this Act it is declared that an order of a revenue officer shall be final, such expression shall be deemed to mean that no appeal lies from such order. The Tribunal alone shall be competent to modify, annul or reverse any such order under the provisions of section 56.

58. Amendment of orders.—Clerical or arithmetical mistakes in orders arising therein from any accidental slip or omission may at any time be corrected by the Revenue Officer passing the order or by any of his successors in office, either on his own motion or on the application of any of the parties concerned:

Provided that no such correction shall be made without giving a reasonable opportunity to the parties to be heard.

59. Orders not reversible by reason of error or irregularity not occasioning failure of justice.—No order passed by a Revenue Officer shall be reversed or altered in appeal or revision on account of an error, omission, or irregularity in the summons, notice, proclamation, warrant or order or any other proceedings under this Act, unless such error, omission or irregularity has, in fact, occasioned a failure of justice.

CHAPTER VI

REVENUE JURISDICTION

60. Definitions.—In this Chapter, unless the context otherwise requires,—

(a) 'land' includes the sites of villages, towns and cities, trees, growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries and fisheries;

(b) 'land revenue' means all sums and payments in money or in kind received or claimable by, or on behalf of Government from any person on account of land held by, or vested in, him, and any tax cess, rate or other impost payable under the provisions of any law for the time being in force.

61. Exclusive Jurisdiction of Revenue Courts and bar of jurisdiction of Civil Courts.—(1) Save as otherwise provided in this Act, or any other law for the time being in force, a Revenue Court shall have jurisdiction to determine, decide or dispose of, any matter which it is, by or under this Act, empowered to determine, decide or dispose of and no Civil Court shall exercise jurisdiction as to any of such matters.

(2) Subject to the exceptions hereinafter specified, no Civil Court shall exercise jurisdiction as to any of the following matters, namely:—

(a) claims against the Government relating to any property appertaining to any office or for any service whatsoever;

(b) objections,—

(i) to the amount or incidence of any assessment of land revenue under this Act, or

(ii) to the mode of assessment or levy, or to the principle on which such assessment or levy is fixed, or

(iii) to the validity or effect of the notification of survey or settlement;

(c) claims connected with or arising out of any proceedings for the realisation of land revenue or other demands recoverable as arrears of land revenue under this Act, or any other law for the time being in force;

(d) claims to set aside, on account of irregularity, mistake, or any other ground, except fraud, sales for arrears of land revenue;

(e) claims against the Government,—

(i) to be entered in the revenue survey or settlement records or any land record as liable for the revenue or as superior holder, inferior holder, occupant, mortgagee, landlord or tenant;

(ii) to have any entry made in any record of a revenue survey or settlement, or

(iii) to have any such entry either omitted or amended;

(f) the distribution of land or allotment of land revenue on partition of any estate under this Act or any other law for the time being in force;

(g) claims against the Government,—

(i) to hold land wholly or partly free from payment of land revenue; or

(ii) to receive payments charged on or payable out of the land revenue; or

(iii) to set aside any cess or rate payable under the provisions of any law for the time being in force; or

(iv) respecting the occupation of waste or vacant land belonging to Government;

(h) claims regarding boundaries fixed under this Act or under any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary marks or survey marks:

Provided that if any person claims to hold land wholly or partially exempt from payment of revenue under,—

- (a) any law for the time being in force expressly creating an exemption not before existing in favour of an individual, or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or
- (b) any written grant from the Government expressly creating or confirming such exemption,

-such claim shall be cognizable by a Civil Court.

62. Savings of certain suits.—Nothing in section 61 shall be held to prevent the Civil Courts from entertaining any of the following suits, namely:—

(a) suits against the State Government to contest the amount claimed or paid under protest, or recovered as land revenue on the ground that such amount is in excess of the amount authorised in that behalf by the State Government or that such amount had previous to such claim, payment or recovery been satisfied in whole or in part or that the plaintiff or the person whom he represents is not the person liable for such amount;

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any land record;

(c) suits between private parties for possession of any land being a whole survey number or sub-division of a survey number or a part thereof.

63. Plaintiff to exhaust his right of appeal before instituting a suit or other proceeding against Government.—No Civil Court shall entertain any suit or other proceeding against the State Government on account of any act or omission of the State Government or any Revenue Officer, unless the plaintiff first proves that previously to the institution of the suit or other proceeding, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit or proceeding, it was possible to present.

64. Power of Tribunal to refer questions for decision of High Court.—(1) If, in any case which, but for the provision of this Chapter, might have been entertained and disposed of by a Civil Court, or in any appeal or other proceeding against the order passed in such case, there arises any question on which the Tribunal whether *suo motu* or on the application of the party interested, desires to have the decision of the High Court, the Tribunal may cause a statement of the question to be prepared and may refer such question for the decision of the High Court.

(2) The High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court House. The parties to the case may appear and be heard by the High Court in person or by their Advocates.

(3) The High Court, when it has heard and considered the case, shall send a copy of its decision with the reasons therefor under the seal of the Court to the Tribunal and subject to any appeal that may be presented to the Supreme Court, the case shall be disposed of conformably to such decision.

(4) If the High Court considers that any statement referred to under sub-section (1) is imperfectly framed, the High Court may return it for amendment.

(5) The costs, if any, consequent on any such reference shall be dealt with as the High Court in each case directs.

65. Power of Civil Court to refer questions of jurisdiction to High Court.—

(1) If, in any suit instituted or in any appeal presented in a Civil Court, the Judge doubts whether he is precluded by this Chapter from entertaining and disposing of the suit or appeal, he may refer the matter to the High Court.

(2) The High Court may order the Judge making the reference, either to proceed with the case or to return the plaint.

(3) The order of the High Court on any such reference shall subject to appeal, if any, to the Supreme Court, be final.

66. Composition of Bench.—Every reference under section 64 or section 65 shall be heard by a Bench consisting of not less than two judges of the High Court.

CHAPTER VII

LAND AND LAND REVENUE

Land

67. Public roads, etc., and all lands which are not the property of others belong to the Government.—(1) All public roads, streets, lanes and paths, bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers, streams, nallas, lakes and tanks and all canals and water-courses and all standing and flowing waters, and all lands wherever situated which are not the property of individuals or of aggregate of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be with all rights in or over the same or appertaining thereto, the property of the State Government.

Explanation.—In this section, “high-water mark” means the highest point reached by ordinary spring tides at any season of the year.

(2) Where any property or any right in or over any property is claimed by or on behalf of the State Government or by any person as against the State Government, it shall be lawful for the Deputy Commissioner or a Survey Officer not lower in rank than a Deputy Commissioner, after formal inquiry to pass an order deciding the claim.

(3) Any person aggrieved by an order made under sub-section (2) or in appeal or revision therefrom may institute a civil suit contesting the order within a period of one year from the date of such order and the final decision in the civil suit shall be binding on the parties.

68. Extinction of rights of public and individuals in or over any public road, street, lane or path not required for use of public.—(1) Whenever it appears to the State Government that the whole or any part of any public road, street, lane, or path which is the property of the State Government, is not required for the use of

the public, the State Government may, by notification, make a declaration to such effect, stating in such declaration that it is proposed that the rights of the public as well as of all persons in or over any such road, street, lane or path, or part thereof, as the case may be, shall be extinguished. On the publication of such notification, the Deputy Commissioner, shall, as soon as possible cause public notice of such declaration to be given at convenient places on, or in the vicinity of, such road, street, lane or path, or part thereof, as the case may be. Such declaration and notice shall specify, as far as practicable, the situation and limits of such road, street, lane or path or part thereof, and shall invite objections to the aforesaid proposal.

(2) Any member of the public or any person having any interest or right, in addition to the right of public high-way, in or over such road, street, lane or path or part thereof, or having any other interest or right which is likely to be adversely affected by the proposal may, within ninety days after the issue of the notification, under sub-section (1), state to the Deputy Commissioner in writing his objections to the proposal, the nature of his interest or right and the manner in which it is likely to be adversely affected and the amount and particulars of his claim to compensation for such interest or right:

Provided that the Deputy Commissioner may allow any person to make such statement after the period of ninety days after the issue of the notification under sub-section (1), if he is satisfied that such person had sufficient cause for not making it within the said period.

(3) The Deputy Commissioner shall give every person who has made a statement to him under sub-section (2), an opportunity of being heard either in person or by pleader and shall, after hearing all such persons in such manner and after making such further enquiry, if any, as he thinks necessary, determine the amount of compensation, if any, which should, in his opinion, be given in any case in respect of any substantial loss or damage likely to be caused by the proposed extinction of the rights of the public as well as of persons as aforesaid. The provisions of sections 9, 10 and 11 of the Land Acquisition Act, 1894 (Central Act I of 1894) shall, so far as may be, apply to the proceedings held by the Deputy Commissioner under this sub-section.

(4) The Deputy Commissioner shall submit to the State Government the record of the proceedings held by him with the report, containing his recommendations on the objections, if any, received by him stating the amount of compensation, if any, which, in his opinion, are payable to any person.

(5) If the State Government is satisfied after considering the record of the proceedings and the report, if any, made under sub-section (4) that the public road, street, lane or path, or part thereof, specified in the notification under sub-section (1) is not required for the use of the public, a declaration shall be published in the official Gazette that all rights of the public as well as of all persons in or over such road, street, lane, or path, or part thereof, are extinguished; and all such rights shall thereupon be extinguished, and such road, street, lane or path, or part thereof, shall be at the disposal of the State Government with effect from the date of such declaration.

(6) The decision of the Deputy Commissioner, subject to such appeals or revision as are allowed under Chapter V, regarding the amount of compensation and the

person to whom such compensation, if any, is payable, shall be final; and payment shall be made by the Deputy Commissioner to such persons accordingly.

69. Disposal of lands or other property belonging to State Government under section 67.— The Deputy Commissioner, the Assistant Commissioner in-charge of a Taluk or Taluks and the Tahsildar may, within their respective jurisdictions and subject to such limitations and restrictions and in accordance with such rules, as may be prescribed, dispose of land or other property belonging to the State Government under section 67 or otherwise, for purposes of agriculture, industry or any public utility and subject to the provisions of Chapter XII for the construction of buildings.

70. Right to mines and mineral products to vest in Government.—Save as otherwise expressly provided under any law in force before the commencement of this Act or under the terms of any grant made or of any other instrument of transfer executed, by or on behalf of the Government for the time being, the right to mines, minerals and mineral products, shall vest absolutely in the State Government and the State Government shall, subject to the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act No. 67 of 1957), have all the powers necessary for the proper enjoyment or disposal of such rights.

71. Lands may be assigned for special purposes and when assigned, shall not be otherwise used without sanction of the Deputy Commissioner.—Subject to the general orders of the State Government, Survey Officers, whilst survey operations are proceeding under this Act, and at any other time, the Deputy Commissioner, may set apart lands, which are the property of the State Government and not in the lawful occupation of any person or aggregate of persons in any village or portions of a village, for free pasturage for the village cattle, for forest reserves or for any other public purpose; and lands assigned specially for any such purpose shall not be otherwise used without the sanction of the Deputy Commissioner; and in the disposal of lands under section 69 due regard shall be had to all such special assignments.

72. Regulation of use of pasturage.—The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated by rules or orders made generally or in any particular instance, by the State Government. The decision for the Deputy Commissioner in any case of dispute as to the said right of grazing shall be final.

73. Recovery of value of natural product unauthorisedly removed from certain lands.—(1) Any person who shall unauthorisedly remove from any land which is set apart for a special purpose or from any land which is the property of Government, any natural product shall be liable to the State Government for the value thereof which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under this Act for such

unauthorised removal; and notwithstanding any criminal proceedings which may be instituted against him in respect of such unauthorised removal.

(2) The decision of the Deputy Commissioner as to the value of any such natural product shall be final.

74. Right to trees in villages to which survey settlement has not been introduced.—In any village or portions of a village to which survey settlement has not been introduced under this Act or under any of the Acts repealed by this Act, the right to all trees, except such as are reserved by the Government under any law for the time being in force, shall be deemed to vest in the occupant, if any, of the land upon which they may be standing, except when such trees are the property of the State Government.

75. Right to trees in villages, to which survey settlement has been introduced.—(1) In any village or portions of a village if the original survey settlement has been completed before the commencement of this Act, the right of the State Government to all trees in any land, except trees reserved by the State Government or by any Survey Officer, whether by express order made at or about the time of such settlement or by notification made and published at or any time after such settlement shall be deemed to have been conceded to the occupant.

(2) In any village or portion of village, if the original survey settlement shall be completed after the passing of this Act, whether the work of such settlement was undertaken before or after the passing of this Act, the right of the State Government to all trees in any land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved by the State Government at or about the time of such settlement or generally by notification made and published at any time previous to the completion of the survey settlement of such village or portion of a village.

(3) When permission to occupy land has been or shall hereafter be granted after the completion of the survey settlement of a village or portion of a village, in which such land is situate, the said permission shall be deemed to include the concession of the right of the State Government to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

76. Trees and forests vesting in the Government.—The rights to all trees specially reserved under the provisions of section 75 and to all trees, brush-wood, jungle or other natural product, wherever growing, except in so far as the same may be the property of any person or of aggregate of persons capable of holding property, vest in the State Government; and such trees, brush-wood, jungle or other natural product shall be preserved or disposed of in such manner as the State Government may from time to time direct.

77. Road-side trees.—All road-side trees on lands held by any person which have been planted and reared by or under the orders of and at the expense of the

State Government and all trees which have been planted and reared at the expense of any local authority by the side of any road, belonging to the State Government, vest in the State Government; but in the event of such trees dying, or being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land in which they were growing; and the usufruct including the loppings of such trees shall also vest in the said holder:

Provided that the trees shall not be lopped except under the orders of the Deputy Commissioner .

78. Recovery of value of trees, etc., unauthorisedly appropriated.—(1) Any person who shall unauthorisedly fell and appropriate any tree or any portion thereof or remove from his holdings any other natural product, whether of the like description or not, which is the property of Government, shall be liable to the State Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under the provisions of this Act, for the occupation of the land or otherwise: and notwithstanding any criminal proceedings which may be instituted against him in respect of the said appropriation of Government property.

(2) The decision of the Deputy Commissioner as to the value of any such tree or portion thereof or other natural product, shall be final.

79. Regulation of supply of firewood and timber for domestic or other purposes.—(1) In any village or land in which the rights of the State Government to the trees have been reserved under section 75 subject to certain privileges of the villagers or of certain classes of persons to cut fire-wood or timber for domestic or other purposes and in any land which has been set apart under section 71 for forest reserve subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by such rules as may be prescribed, or by orders to be made either generally or in any particular instance by the Deputy Commissioner or by such other officer as the State Government may direct. In any case of dispute as to the mode or time of exercising such privileges, the decision of the Deputy Commissioner or of such officer shall be final.

(2) Notwithstanding anything contained in sub-section (1) but subject to such general or special orders that may be issued by the State Government from time to time, the privileges that are being enjoyed either by custom or under any order such as privileges in respect of Kumki lands, Bane lands and Kane lands in South Kanara District, Betta lands and Hadi lands in North Kanara District, Kan and Soppina Betta lands in Mysore Area, Jamma and Bane in Coorg District and Patasthal wet lands in Hyderabad Area shall continue.

Land Revenue.

80. All land liable to pay land revenue, unless specially exempted.—All land, whether applied to agricultural or other purposes and wherever situate, is liable to the payment of land revenue to the State Government according to the provisions of this Act, except such as may be wholly exempted under the provisions of any special contract with the Government or any provision of this Act or any other law for the time being in force.

81. Alluvial land and its liability to land revenue.—(1) Notwithstanding any law, custom or usage to the contrary all alluvial lands, newly formed islands, abandoned river-beds, shall vest in the State Government, but the holder or occupant of the bank or shore on which such alluvial land is formed, shall be entitled to the temporary use thereof, unless and until the area of the same exceeds one acre, in which case such land, island or river-bed shall be at the disposal of the Deputy Commissioner, subject to the provisions of section 92.

(2) No land revenue shall be leviable in respect of any alluvial lands, newly formed islands or abandoned river-beds during the period of temporary use under sub-section (1).

82. Remission of assessment in cases of diluvion.—Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be prescribed, to a decrease of assessment, if any portion thereof, not being less than half an acre in extent, is lost by diluvion.

83. Manner of assessment, commutation of non-agricultural assessment and prohibition of use of land for certain purposes.—(1) Save as otherwise provided by or under this Act, the land revenue leviable on any land under this Act, shall be assessed or shall be deemed to have been assessed, with reference to the use of the land for the purpose of agriculture.

(2) If any land held or used for any purpose other than agriculture be diverted or used for the purpose of agriculture, such land shall, notwithstanding that it was exempt from assessment or was assessed with reference to any purpose other than agriculture, be liable to the payment of land revenue at such rates and subject to such rules as may be prescribed in this behalf, as for land used for the purpose of agriculture.

(3) Land revenue leviable on any land and assessed or deemed to be assessed under any enactment or law in force before the commencement of this Act, with reference to the use of that land,—

- (a) for purpose of dwelling houses;
- (b) for industrial or commercial purposes; or
- (c) for any other non-agricultural purpose,

shall, notwithstanding anything contained in this Act, continue to be levied at such rate at which it was levied or was leviable as at the commencement of this Act, unless such assessment is commuted in accordance with the provisions of sub-section (4).

(4) Where in respect of any land used for any purpose other than agriculture, assessment payable annually was leviable or has been levied by or under any enactment or law in force before the commencement of this Act, such assessment may, in accordance with such rules as may be prescribed, be commuted by payment to the State Government of an amount equal to five times the amount of such annual assessment, and on such commutation such land shall be exempt from such annual assessment.

(5) The Deputy Commissioner or a Survey Officer may, subject to such rules as may be prescribed in this behalf, prohibit the use for certain purposes of any land

liable to the payment of land revenue and may summarily evict any holder or other person who uses or attempts to use the same for any such prohibited purpose.

84. Assessment by whom to be fixed.—(1) On all lands which are not wholly exempt from the payment of land revenue, and on which assessment has not been fixed under the provisions of Chapter X, the assessment of the amount to be paid as land revenue, shall, subject to such rules as may be made by the State Government in this behalf, be fixed by the Deputy Commissioner, for such period not exceeding the maximum prescribed as the State Government may, by general or special order, specify, and the amounts due according to such assessment shall be levied on all such lands:

Provided that in the case of lands partially exempt from land revenue, or the liability of which to the payment of land revenue is subject to special conditions or restrictions, regard shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting according to the nature of the said rights:

Provided further that where any land which was wholly or partially exempt from payment of land revenue has ceased to be so exempt, it shall be lawful for the Deputy Commissioner to fix the assessment of the amount to be paid as land revenue for such land, with effect from the date on which such land ceased to be so exempt or any subsequent date, as he may deem fit.

(2) After the expiry of the period for which the assessment of any land is fixed under sub-section (1), the Deputy Commissioner may from time to time revise the same in accordance with the rules made in this behalf by the State Government. The assessment so revised shall be fixed each time for such period not exceeding the maximum prescribed as the State Government may, by general or special order, specify.

85. Register of alienated lands.—A register shall be kept by the Deputy Commissioner in such form as may, from time to time, be prescribed by the Government, of all lands the alienation of which has been established or recognised under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Deputy Commissioner that a sannad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of such fees as may be prescribed, grant to any person whom he may deem entitled to the same, a certified extract from the said register which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sannad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sannad.

86. Settlement of assessment with whom to be made.—The settlement of the assessment of each portion of land or survey number to the land revenue shall be made with the person who, under the provisions of this Act, is primarily responsible to the State Government for the same.

87. Land Revenue to be a paramount charge on the land.—(1) Arrears of land revenue due on account of the land by any land holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall

make the occupancy or the holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forfeiture and an order in this behalf may be made by the Deputy Commissioner.

(2) On the making of an order of forfeiture under sub-section (1), the Deputy Commissioner may, subject to the provisions of section 163, levy all sums in arrears, by sale of the occupancy or the holding or otherwise dispose of such occupancy or holding under rules made by the State Government in this behalf.

(3) Such occupancy or holding, when disposed of, whether by sale as aforesaid or otherwise under rules referred to in sub-section (2) except by restoration to the defaulter, shall, unless the Deputy Commissioner otherwise directs, be deemed to be freed from all tenures, rights, encumbrances and equities therefor created by the occupant or holder or any of his predecessors in title in favour of any person other than the Government or in any way subsisting against such occupant or holder, but so as not to affect the rights of kadim tenants or permanent tenants in alienated holdings in respect of such occupancy or holding.

88. Forfeited holdings may be taken possession of and otherwise disposed.—The Deputy Commissioner may, in the event of the forfeiture of the holding through any default in payment or other failure occasioning such forfeiture under section 87 or any law for the time being in force, take immediate possession of such holding and dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Act or any other law for the time being in force.

89. Receipts.—(1) Every Revenue Officer receiving payment of land revenue shall, at the time when such payment is received by him, give in the prescribed form a written receipt for the same.

(2) Every superior holder who is entitled to receive direct from an inferior holder any sum due on account of the rent or land revenue shall, at the time when such sum is received by him, give in the prescribed form to such inferior holder a written receipt for the same.

90. Penalty for failure to grant receipts.—Any person contravening the provisions of section 89 shall, after summary enquiry before the Deputy Commissioner, be liable to pay as fine such amount as the Deputy Commissioner may specify, not exceeding three times the amount received for which a receipt was not duly granted.

CHAPTER VIII

GRANT, USE AND RELINQUISHMENT OF UNALIENATED LAND

91. Unoccupied land may be granted on conditions.—Subject to such rules as may be made by the State Government in this behalf, the Deputy Commissioner may require the payment of a price for unalienated land or sell the same by auction and annex such conditions to the grant as he may deem fit before permission to occupy such land is given under section 93. The price, if any, for such land shall

include the price of the Government's right to all trees not specially reserved under the provisions of section 75, and shall be recoverable as an arrear of land revenue.

92. Grant of alluvial land vested in Government.—(1) When it appears to the Deputy Commissioner that any alluvial land, which vests under section 81 in the State Government may, with due regard to the interests of the public revenue, be disposed of, he shall offer such land to the holder or occupant, if any, of the bank or shore on which such alluvial land has formed.

(2) The price of the land so offered shall not exceed three times the annual assessment thereof.

(3) If the said holder or occupant shall refuse the offer, the Deputy Commissioner may dispose of the land under section 91 without any restrictions as to the price thereof.

93. Permission for taking up unoccupied land.—(1) No person shall take up an unoccupied land which is not alienated unless he has obtained, before entering upon such occupation, the permission in writing of the Tahsildar of the taluk in which such land is situated.

(2) Subject to the provisions of section 91, and such rules as may be made by the State Government in this behalf, the Tahsildar may grant to any person desirous of taking up an unoccupied land the permission required under sub-section (1).

94. Penalties for unauthorised occupation of land.—(1) Any person who shall unauthorisedly enter upon the occupation of any land set apart for any special purpose or any unoccupied land which has not been alienated and any person, who uses or occupies any such land to the use or occupation of which he is not entitled or has ceased to be entitled, shall pay twice such amount of assessment for every year of his unauthorised occupation, as would be leviable in the same village on the same extent of similar land used for the same purpose; and shall also be liable, at the discretion of the Deputy Commissioner, for every year of his unauthorised occupation, to a fine not exceeding five hundred rupees per acre, if such occupation has been for the purposes of cultivation, and not exceeding one thousand rupees per acre, if such occupation has been for any non-agricultural purpose.

(2) The decision of the Deputy Commissioner under sub-section (1), as to the amount of assessment and fine payable for the unauthorised occupation of the land shall be final, and in determining this amount, occupation for a portion of a year shall be counted as for a whole year.

(3) Notwithstanding anything contained in the Mysore Public Premises (Eviction of Unauthorised Occupants) Act, 1961 (Mysore Act 3 of 1962), the person unauthorisedly occupying any such land shall also be summarily evicted by the Deputy Commissioner and any crop including trees, raised in the land shall be liable to forfeiture, and any building or other construction erected thereon shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture or to summary removal.

(4) Forfeitures under this section shall be adjudged by the Deputy Commissioner and any property so forfeited shall be disposed of, as the Deputy Commissioner may direct and the cost of the removal of any encroachment under this section shall be recoverable as an arrear of land revenue.

95. Uses of agricultural land and the procedure for use of agricultural land for other purpose.—(1) Subject to any law for the time being in force regarding erection of buildings or construction of wells or tanks, an occupant of land assessed or held for the purpose of agriculture is entitled by himself, his servants, tenants, agents, or other legal representatives, to erect farm buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid.

(2) If any occupant of land assessed or held for the purpose of agriculture wishes to divert such land or any part thereof to any other purpose, he shall apply for permission to the Deputy Commissioner who may, subject to the provisions of this section and the rules made under this Act, refuse permission or grant it on such conditions as he may think fit.

(3) Permission to divert may be refused by the Deputy Commissioner on the ground that the diversion is likely to cause a public nuisance or that it is not in the interests of the general public or that the occupant is unable or unwilling to comply with the conditions that may be imposed under sub-section (4).

(4) Conditions may be imposed on diversion in order to secure the health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality and do not contravene the provisions of any law relating to town and country planning or the erection of buildings.

(5) Where the Deputy Commissioner fails to inform the applicant of his decision on the application made under sub-section (2) within a period of four months, from the date of receipt of the application, the permission applied for shall be deemed to have been granted.

(6) Unless the Deputy Commissioner shall, in any particular instance otherwise direct, no application under sub-section (2) shall be recognised unless it is made by the occupant.

(7) When any land assessed or held for the purpose of agriculture is permitted under sub-section (2) or is deemed to have been permitted under sub-section (5) to be used for any purpose unconnected with agriculture, the Deputy Commissioner may, subject to such rules as may be made by the State Government in this behalf, require the payment of a fine. No assessment shall be leviable on such land thereafter except under sub-section (2) of section 83.

96. Penalty for using agricultural land for other purpose without permission.—(1) If any land assessed or held for the purpose of agriculture be diverted or used for any other purpose without the permission of the Deputy Commissioner, or before the expiry of the period prescribed in sub-section (5) of section 95, the Deputy Commissioner may summarily evict the occupant and the person responsible for the diversion from the land so diverted and any building or

other construction erected thereon shall also, if not removed after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture or to summary removal. The occupant and the person responsible for the diversion shall also be liable to pay, such penalty not exceeding one thousand rupees as the Deputy Commissioner may, subject to the rules made by the State Government in this behalf, direct.

(2) If any land assessed or held for the purpose of agriculture has been diverted for any other purpose in contravention of an order passed or of a condition imposed under section 95, the Deputy Commissioner may serve a notice on the person responsible for such contravention directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. Subject to the orders of the State Government, the Deputy Commissioner may also impose on such person a penalty not exceeding one thousand rupees for such contravention and a further penalty not exceeding twenty-five rupees for each day during which such contravention continues.

(3) If any person served with a notice under sub-section (2) fails within the period stated in the notice to take steps ordered by the Deputy Commissioner under that sub-section, the Deputy Commissioner may himself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person in the same manner as an arrear of land revenue.

97. Diversion of non-agricultural land held for a specific purpose.—The provisions of sections 95 and 96 shall *mutatis mutandis* be applicable in respect of the diversion or use of any land held free of assessment on condition of being used for a specific non-agricultural purpose to any other non-agricultural purpose.

98. Permission may be granted on terms.—Nothing in sections 95 and 96 shall prevent the granting of the permission aforesaid in special cases on such terms and conditions as may be agreed to between the Deputy Commissioner and the occupant, in accordance with and subject to the terms and conditions specified in the rules made in this behalf by the State Government.

99. Rights of occupants.—An occupant is entitled to the use and occupation of his land for the period, if any, to which his tenure is limited, or if the period is unlimited, or a survey settlement has been extended to the land in perpetuity, conditional on the payment of the amount due on account of the land revenue for the same, according to the provisions of this Act or of any rules made thereunder, or of any other law for the time being in force, and on the fulfilment of any other terms or conditions lawfully annexed to his tenure:

Provided that nothing in this or any other section shall make it, or shall be deemed ever to have made it unlawful for the Deputy Commissioner at any time to grant permission to any person to occupy any unalienated unoccupied land, for such period and on such conditions as he may prescribe, subject to rules made by the State Government in this behalf, and in any such case, the occupancy shall,

whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed.

100. Occupancy not transferable without sanction of prescribed authority nor liable to process of a Civil Court.—In any case, where an occupancy is not transferable without the previous sanction of the prescribed authority and such sanction has not been granted to a transfer which has been made or ordered by a Civil Court or on which the Court's decree or order is founded,—

(a) such occupancy shall not be liable to the process of any Court and such transfer shall be null and void; and

(b) the Court, on receipt of a certificate under the hand and seal of the Deputy Commissioner to the effect that any such occupancy is not transferable without the previous sanction of the prescribed authority and that such sanction has not been granted, shall remove the attachment or other process placed on or set aside any sale of or affecting such occupancy.

101. Occupancy right transferable and heritable.— Subject to the provisions contained in section 87, and to any conditions lawfully annexed to the tenure and save as otherwise prescribed by law, an occupancy shall be deemed to be a heritable and transferable property.

102. Relinquishment.— An occupant may relinquish his land, that is, resign it in favour of the State Government, but subject to any rights, tenures, encumbrances or equities lawfully subsisting in favour of any person (other than the State Government or the occupant), by giving notice in writing to the Tahsildar of the Taluk in which the land is situate, before the 31st March in any year or before such other date as may from time to time be prescribed in this behalf, by the State Government, and such relinquishment shall have effect from the close of the current year:

Provided that no portion of land which is less in extent than the whole survey number or sub-division of a survey number may be relinquished except with the previous approval of the Deputy Commissioner.

103. Right of way to relinquished or forfeited land or to land used for purpose of agriculture.—(1) If any land is relinquished or forfeited under the provisions of this Act, and the way to such land lies through other land, the right of way through such other land shall continue to the future holder of the land relinquished or forfeited.

(2) If any right of way to a land used for purposes of agriculture and duly entered in any map or land record maintained under this Act, is wrongfully obstructed or interfered with, any person aggrieved thereby may apply to the Deputy Commissioner for removal of such obstruction or interference. The Deputy Commissioner may, after a summary enquiry, order the obstruction to be removed, or the interference to be stopped and may for enforcing such order take such action as may be necessary.

(3) The order of the Deputy Commissioner under sub-section (2) shall, subject to the decision in a civil suit, be final.

104. Summary eviction of person unauthorisedly occupying land.— Notwithstanding anything contained in the Mysore Public Premises (Eviction of Unauthorised Occupants) Act, 1961 (Mysore Act 3 of 1962) any person unauthorisedly occupying or wrongfully in possession of any land which is not transferable by virtue of any condition lawfully annexed to the tenure, under the provisions of section 91, section 98, or section 99 may be summarily evicted by the Deputy Commissioner and any crop including trees raised in the land shall be liable to forfeiture and any building or other construction erected thereon shall also, if not removed by him after written notice, as the Deputy Commissioner may deem reasonable, be liable to forfeiture or summary removal.

105. To prevent forfeiture of occupancy certain persons other than occupant may pay land revenue.—(1) In order to prevent the forfeiture of an occupancy under the provisions of section 87, or of any other law for the time being in force through non-payment of land revenue due on account thereof by the occupant, it shall be lawful for any person interested to pay on behalf of such occupant, all sums due on account of land revenue and the Deputy Commissioner shall, on due tender thereof, receive the same.

(2) If it appears to the Deputy Commissioner that an occupant or holder has failed to pay land revenue due and has thus incurred forfeiture with a view to injure or defraud, other persons interested in the continuance of the occupancy or holding, or that a sale of the occupancy or holding, will seriously prejudice such other persons interested, the Deputy Commissioner may order the forfeiture of only the interest of the defaulting occupant or holder and sell or dispose of the same:

Provided that the other persons interested undertake to pay any balance that may still remain due after such sale or disposal of only the defaulter's interest in the occupancy or holding and furnish sufficient security for the performance of such undertaking.

(3) Nothing authorised or done under the provisions of this section shall affect the right of the parties interested as the same may be established in any suit between such parties in a court of competent jurisdiction.

CHAPTER IX

REVENUE SURVEY, DIVISION OF SURVEY NUMBERS AND PARTITION OF ESTATES

106. Revenue Survey may be introduced by State Government into any part of the State.—(1) The State Government may, direct the survey of any land in any part of the State, with a view to the settlement of the land revenue and to the record and preservation of rights connected therewith, or for any other similar purpose and such survey shall be called a revenue survey. Such survey shall extend to the lands of any village, town or city generally, or to such land only as the State Government may direct; and subject to the orders of the State Government, the officers conducting any such survey may exclude from the survey settlement, any land to which it may not seem expedient that such settlement should be applied.

(2) The control of every revenue survey under sub-section (1) shall vest in, and be exercised by the State Government.

107. Power of Survey Officer to require assistance from land holders.—A Survey Officer deputed to conduct or take part in any revenue survey under section 106 may, by special order or by general notice to be published in the prescribed manner, or by summons, require the attendance of holders of lands and of all persons interested therein to assist in the measurement or classification of the lands to which the revenue survey extends and when hired labour is employed for purposes incidental to the revenue survey, such Survey Officer may assess and apportion the cost thereof, with all contingent expenses on the land surveyed, and such costs and expenses shall be collected as land revenue due on such lands.

108. Minimum extent of a survey number.—(1) No survey number comprising land used for the purposes of agriculture only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the Commissioner of Survey, Settlement and Land Records, with the sanction of the State Government:

Provided that,—

(a) survey numbers, which have already been made of less extent than the minimum so fixed, or which may be so made under the authority of the Commissioner of Survey, Settlement and Land Records given either generally or in any particular instance in this behalf and any survey number separately recognised in the land records shall be deemed to have been made under lawful authority, whatever be its extent; and

(b) when any portion of cultivable land is permitted to be used under the provisions of section 95 or section 98 for any non-agricultural purpose, or when any portion of land is specially assigned under section 71, or when any assessment is levied on any portion of land under sub-section (2) of section 83, such portion may, with the sanction of the Deputy Commissioner, be made into a separate number at any time.

109. Division of Survey Numbers into Sub-divisions.—Subject to the provisions of any law in force for the Prevention of Fragmentation and Consolidation of Holdings in the State,—

(1) survey numbers may from time to time and at any time be divided into so many sub-divisions as may be required in view of the lawful acquisition of rights in land or for any other reason;

(2) the division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with such rules as may be made by the State Government in this behalf:

Provided that the total of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under the provisions of this Act, unless such assessment is liable to alteration under section 83;

(3) the area and assessment of such sub-division shall be entered in such land records as the State Government may prescribe in this behalf.

110. Provisions applicable on relinquishment or forfeiture of a sub-division.—Subject to the provisions of any law in force for the Prevention of Fragmentation and Consolidation of Holdings in the State, if any sub-division of a survey number is relinquished under section 102, or is forfeited for default in payment of land revenue, the Deputy Commissioner shall offer such sub-division at such prices as he may consider reasonable to the occupants of the other sub-division of the same survey number adjacent thereto in such order as, in his discretion, he may think fit; in the event of all such occupants refusing the same, it shall be disposed of as the Deputy Commissioner shall deem fit.

111. Recovery of expenses of partition.—When any estate paying land revenue to the State Government is to be partitioned under the decree or order of a court or otherwise, expenses properly incurred in making such partition, shall be recovered as a land revenue demand in such proportions as the Deputy Commissioner may think fit, from the sharers at whose request the partition is made, or from the persons interested in the partition.

112. The State Government may direct a fresh survey.—The State Government may at any time direct a fresh survey or any operation subsidiary thereto:

Provided that when a general classification of the soil of any area has been made and approved by the State Government as final, no such classification shall be again made with a view to the revision of assessment of such area.

113. Preparation of statistical and fiscal records.—It shall be the duty of the Survey Officer or the Settlement Officer on the occasion of making or revising a settlement of land revenue, to prepare a register to be called the “Settlement Register” showing the area and assessment of each survey number, with any other particulars that may be prescribed and also other records in accordance with such orders as may from time to time be made in this behalf by the State Government.

CHAPTER X

ASSESSMENT AND SETTLEMENT OF LAND REVENUE OF AGRICULTURAL LAND

114. Government may direct an original or revision settlement of land revenue of any land.—(1) The State Government may at any time direct a settlement, hereinafter referred to as an original settlement of the land revenue of any land whether a revenue survey of such land has been made under section 106 or not.

(2) The State Government may also direct at any time a fresh settlement, hereinafter referred to as a revision settlement, of the land revenue of such land:

Provided that no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

115. The term of settlement.—A Settlement shall remain in force for a period of thirty years:

Provided that, when, in the opinion of the State Government, a revision settlement is inexpedient, or when the introduction of such settlement has for any

cause been delayed, the State Government may extend the term of the settlement for the time being in force for such period as it may think fit.

116. Assessment how determined.—(1) The land revenue assessment on all lands in respect of which a settlement has been directed under sub-section (1) or sub-section (2) of section 114 and which are not wholly exempt from the payment of land revenue shall, subject to the limitations contained in the first proviso to sub-section (1) of section 84 be determined by dividing the land to be settled into groups and fixing the standard rates for each group.

(2) The groups shall ordinarily be formed on a consideration of the following factors, namely:—

- (i) physical configuration,
- (ii) climate and rainfall,
- (iii) yield of principal crops and their prices:

Provided that, if deemed necessary, the following factors may also be taken into consideration for forming groups, namely:—

- (a) Marketing facilities,
- (b) Communications,
- (c) Standard of husbandry,
- (d) Population and supply of labour,
- (e) Agricultural resources,
- (f) Variation in the area of occupied and cultivated lands during the previous thirty years,
- (g) Wages,
- (h) Ordinary expenses of cultivating principal crops including the wages of the cultivator for his labour in cultivating the lands,
- (i) Sales of lands used for purpose of agriculture.

(3) The land revenue assessment of individual survey numbers and sub-divisions shall be based on their classification value in the manner prescribed.

117. Increase in average yield due to improvements by holders not to be taken into account.—If during thirty years immediately preceding the date on which the settlement for the time being in force expires any improvements have been effected in any land by or at the expense of the holder thereof, the increase in the average yield or crops of such land due to the said improvements shall not be taken into account in fixing the revised assessment thereof.

118. Procedure to be followed by the Settlement Officer in making a settlement.—In making a settlement, the Settlement Officer shall proceed as follows:—

- (1) he shall hold enquiry in the manner prescribed;
- (2) he shall divide the lands to be settled into groups;
- (3) he shall ascertain in the prescribed manner the average yield of crops of lands for the purposes of the settlement;
- (4) he shall then fix standard rates for each class of land in each group, on a consideration of the relevant factors, as provided in sub-section (2) of section 116;

(5) he shall submit to the Deputy Commissioner a report hereinafter called the Settlement Report, containing his proposals for the settlement.

119. Publication of the Settlement Report.—(1) After the Deputy Commissioner receives the Settlement Report submitted under section 118 he shall cause such report to be published in the prescribed manner.

(2) The Deputy Commissioner shall also publish or cause to be published in each village concerned in Kannada and in such language of the area, if any, as may be directed in this behalf by the State Government, a notice stating for each class of land in the village, the existing standard rate and the extent of any increase or decrease proposed therein by the Settlement Officer. The notice shall also state that any person may submit to the Deputy Commissioner his objections in writing to the proposals contained in the Settlement Report within three months from the date of such notice.

120. Deputy Commissioner to submit to Government the Settlement Report with statement of objections, etc., and his opinion thereon.—After taking into consideration such objections as may have been received by him, and after giving an opportunity to be heard to such objectors as desire to be heard the Deputy Commissioner shall forward to the State Government through the Commissioner of Survey, Settlement and Land Records, the Settlement Report with the statement of objections and his remarks thereon.

121. Settlement Report to be approved by State Legislature.—(1) The Settlement Report, together with the objections, if any, received thereon shall be laid before each House of the State Legislature, and after both Houses approve the Report with or without any modification by a resolution moved in this behalf, the State Government shall pass orders in conformity with such resolution:

Provided that no increase in the standard rates proposed in the Settlement Report shall be made unless a fresh notice as provided in section 119 has been published in each village affected by such rates, and after considering the objections, if any, received, such rates are approved by a resolution moved in this behalf by both Houses of the State Legislature.

(2) The orders passed by the State Government under sub-section (1) shall be final and shall not be called in question in any Court.

122. Introduction of Settlement.—After the State Government has passed orders under section 121 and notice of the same has been given in the prescribed manner, the settlement shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from as the State Government may direct:

Provided that in the year in the course of which a survey settlement, whether original or revised, may be introduced under this section, the revised assessment shall be levied only from the next following year.

123. Determination of assessment of lands wholly exempt from payment of land revenue.—Nothing in this Chapter shall be deemed to prevent the Settlement

Officer from determining and registering the proper full assessment on lands wholly exempt from the payment of land revenue.

124. The fixing of assessment under Act limited to ordinary land revenue.—

The fixing of the assessment under the provisions of this Act shall be limited to the assessment of the ordinary land revenue and such fixation shall not preclude the levy of any rate for the use of water or of any cess, which may be imposed under any law for the time in force.

125. Power of State Government to direct assessment for irrigation facilities.—Notwithstanding anything contained in this Chapter, the State Government may ¹[at any time direct]¹ that any land in respect of which a settlement is made under this Chapter, shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the State Government has directed the settlement under section 114, and not effected by or at the expense of the holder of the land. Such land revenue shall be leviable only when no water rate in respect of such additional advantage is levied under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957):

Provided that the State Government shall, before making such direction publish a notice in this behalf in the village concerned in Kannada and in such language of the village, if any, as may be directed by the State Government in this behalf, and shall consider the objections, if any, received to the proposal contained therein and no such direction shall be made until after the expiry of the period of six months from the date of publication of such notice.

126. Continuance of certain Survey and Settlement operations.—

Notwithstanding anything contained in this Chapter or in any enactment or law repealed by section 202,—

(1) all survey or settlement operations commenced before and continuing at the commencement of this Act shall be deemed to have been commenced and to be continuing under the provisions of this Act, and

(2) all assessments fixed and settlements of land revenue heretofore made and introduced and in force on the date of the commencement of this Act, shall be deemed to have been made and introduced in accordance with the provisions of this Chapter and shall, notwithstanding anything contained in section 115, be deemed to continue to remain in force, until the introduction of a revision settlement.

CHAPTER XI

RECORD OF RIGHTS

127. Record of Rights.—(1) A record or rights shall be prepared in the prescribed manner in respect of every village and such record shall include the following particulars:—

(a) the names of persons who are holders, occupants, owners, mortgagees, landlords or tenants of the land or assignees of the rent or revenue thereof;

(b) the nature and extent of the respective interest of such persons and the conditions or liabilities (if any) attaching thereto;

(c) the rent of revenue (if any) payable by or to any of such persons; and

(d) such other particulars as may be prescribed.

(2) The record of rights shall be maintained by such officers in such areas as may be prescribed and different officers may be prescribed for different areas.

(3) When the preparation of the record of rights referred to in sub-section (1) is completed in respect of any village, the fact of such completion shall be notified in the official Gazette and in such manner as may be prescribed.

128. Acquisitions of rights to be reported.—(1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the prescribed officer of the village within three months from the date of such acquisition, and the said officer shall at once give a written acknowledgment of the receipt of the report to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the prescribed officer:

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the prescribed officer:

Explanation I.—The rights mentioned above include a mortgage without possession but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882 (Central Act No. 4 of 1882).

Explanation II.—A person in whose favour a mortgage is discharged or extinguished or a lease determined acquires a right within the meaning of this section.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification, appoint any Revenue Officer to whom a report under sub-section (1) may be made, in which case such officer shall give a written acknowledgment of the receipt of such report to the person making it, and forward the report to the prescribed officer of the village concerned.

(3) If any person makes a report under sub-section (1) or sub-section (2),-

(a) after the period of three months but within the period of one year from the date of acquisition of the right, the report shall be received on payment of a penalty of two rupees;

(b) after a period of one year from the date of such acquisition, the report shall be received on payment of a penalty of not less than two rupees but not exceeding ten rupees, as may be ordered,—

(i) by the Tahsildar, in case the report is made under sub-section (1) to the prescribed officer, or

(ii) by the Revenue Officer, in case the report is made to such officer under sub-section (2).

(4) No document by virtue of which any person acquires a right in any land as holder, occupant, owner, mortgagee, landlord or tenant or assignee of the rent or revenue thereunder, shall be registered under the Indian Registration Act, 1908 (Central Act 12 of 1908), unless the person liable to pay the registration fee also pays to the registering authority such fees as may be prescribed for making the necessary entries in the record of rights and registers referred to in section 129; and on the registration of such a document, the registering authority shall make a report of the acquisition of the right to the prescribed officer.

129. Registration of mutations and register of disputed cases.—(1) The prescribed officer shall enter in the Register of Mutations every report made to him under sub-section (1) of section 128 or received by him under sub-section (2) or sub-section (4) of the said section.

(2) Whenever a prescribed officer makes an entry in the Register of Mutations, he shall at the same time post up a complete copy of the entry in a conspicuous place in the chavadi and shall give written intimation to all persons appearing from the Record of Rights or Register of Mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) Should any objection to any entry made under sub-section (1) in the Register of Mutations be made either orally or in writing to the prescribed officer, it shall be the duty of the prescribed officer to enter the particulars of the objection in a Register of Disputed Cases.

(4) The objections entered in the Register of Disputed Cases and such other objections as may be made during the enquiry shall be enquired into and disposed of by such officer and in such manner as may be prescribed. Orders disposing of such objections shall be recorded in the Register of Mutations by such officer.

(5) The officer holding an enquiry under sub-section (4) shall have all the powers under Chapter III, that a Revenue Officer has in making a formal or summary enquiry under this Act.

(6) Entries in the Register of Mutations shall be tested and if found correct or after correction, as the case may be, shall be certified by such officer as may be prescribed.

(7) The transfer of entries from the Registers of Mutations to the Record of Rights shall be effected in the prescribed manner, provided that an entry in the Register of Mutations shall not be transferred to the Record of Rights until such entry has been duly certified.

130. Obligation to furnish information.—(1) Any person whose rights, interests or liabilities are required to be or have been entered in any record or register, under this Chapter shall be bound, on the requisition of any officer engaged in compiling or revising the record or register, to furnish or produce for his inspection within thirty days from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof, as may be within his knowledge or in his possession or power.

(2) An officer to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or

producing the same and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

(3) Any person who fails to furnish information or produce the document required by sub-section (1) within the period specified in the said sub-section shall be liable to pay a penalty not exceeding twenty-five rupees, as may be fixed by the Deputy commissioner and the amount payable as penalty shall be recoverable as an arrear of land revenue:

Provided that no penalty shall be imposed under this sub-section without giving to the person concerned a reasonable opportunity to be heard.

131. Requisition of assistance in preparing maps.—Subject to rules made in this behalf by the State Government,—

(a) any Revenue Officer or prescribed officer may for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of a Survey Officer under section 107, except the power of assessing the cost of hired labour, and

(b) where the preparation or revision of such map is made on the application of any person, any Revenue Officer of a rank not lower than that of an Assistant Commissioner or of a Survey Officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses including the cost of clerical labour and supervision, and such costs shall be recoverable from such person as an arrear or land revenue.

132. Certified copies of records to be annexed to plaint or application.—(1) The plaintiff or applicant in every suit or application, as hereinafter defined relating to land situated in any area to which this Chapter applies, shall annex to the plaint or application, a certified copy of any entry in the Record of Rights or Register of Mutations relevant to such land.

(2) If the plaintiff or applicant fails so to do for any cause which the court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the court and if such certified copy is not so annexed or produced, the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject matter with a certified copy annexed.

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the court shall communicate to the Deputy Commissioner any error appearing in such entry and any alteration therein that may be required by reason of the decree or order and a copy of such communication shall be kept with the record. The Deputy Commissioner shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the Record of Rights or Register of Mutations. The provisions of this sub-section shall apply also to an appellate or revisional court:

Provided that, in the case of an appellate or revisional decree or order passed by the High Court or the Supreme Court, the communication shall be made by the original court from which the appeal lay or the record was called for.

(4) In this section,—

(a) 'suit' means a suit to which the provisions of the Code of Civil Procedure apply;

(b) 'application' means an application,—

(i) for the execution of a decree or order in a suit;

(ii) for the filing of an agreement stating a case for the opinion of the court under the Code of Civil Procedure, 1908;

(iii) for the filing of an agreement to refer to arbitration under section 20 of the Arbitration Act, 1940 (Central Act 10 of 1940);

(iv) for the filing of an award under section 14 of the said Arbitration Act;

(v) of any other kind to which the State Government may, by notification, direct that this section shall apply;

(c) an application shall be deemed to relate to land, if the decree or other matter with respect to which an application is made, relates to land;

(d) a suit, decree or other matter relating to land shall, without prejudice, to the generality of the expression, be deemed to include a suit, decree or other matter relating to rent or tenancy of land.

133. Presumption regarding entries in the records.—An entry in the Record of Rights and a certified entry in the Register of Mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

134. Certified copies.—Applications for certified copies of entries in the Record of Rights or the Register of Mutations may be made to and such copies may be given by the prescribed officers.

135. Bar of suits.—No suit shall lie against the State Government or any officer of the State Government in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any such entry omitted or amended:

Provided that if any person is aggrieved as to any right of which he is in possession, by an entry made in any record or register maintained under this Chapter, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his right under Chapter VI of the Specific Relief Act, 1877; and the entry in the record or register shall be amended in accordance with any such declaration.

136. Appeal and Revision.—(1) The provisions of Chapter V shall not apply to any decision or order under this Chapter.

(2) Any person affected by an order made under sub-section (4) or an entry certified under sub-section (6) of section 129 may, within a period of sixty days from the date of communication of the order or the knowledge of the entry certified, appeal to such officer as may be prescribed by the State Government in this behalf and his decision shall be final.

(3) The Deputy Commissioner may, on his own motion or on application of a party, call for and examine any records made under section 127 and section 129 and pass such orders as he may deem fit:

Provided that no order shall be passed except after hearing the party who would be adversely affected by such order.

CHAPTER XII

BOUNDARIES AND BOUNDARY MARKS

137. Determination of village boundaries, etc.—The boundaries of villages, survey numbers, sub-divisions of survey numbers or holdings shall be fixed and all disputes relating thereto shall be determined, by Survey Officers or by such other officers as may be appointed by the State Government for the purpose in accordance with the provisions of this Chapter and the Rules, if any, made in this behalf.

138. Settlement of village boundaries by agreement.—When in any two or more adjoining villages one or more Panchayats are established under the Mysore Village Panchayats and Local Boards Act, 1959, and such Panchayat or Panchayats agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall record such agreement and get it duly signed by the Chairman, Vice-Chairman or the members of the Panchayats concerned, as the case may be. The officer determining the boundary shall then mark off the boundary in the manner agreed upon. Any village boundary so marked off shall be deemed to be finally settled.

139. Procedure in case of disagreement or dispute.—(1) If in any two or more adjoining villages, one or more Panchayats are established under the Mysore Village Panchayats and Local Boards Act, 1959, and such Panchayat or Panchayats do not agree to fix the boundaries of their respective villages in the manner prescribed in section 138, or if there be any pending dispute regarding the boundary, the officer determining the boundary shall make a survey and plan of the ground in dispute, showing the land claimed by the contending parties and all particulars relating thereto and shall, after a formal inquiry into the claims of the said parties decide the boundary of the respective villages.

(2) If the officer deciding the boundary is the Deputy commissioner of Land Records, his decision, and in any other case, subject to an appeal to the Deputy commissioner of Land Records, the decision of the officer deciding the boundary under sub-section (1) shall be final.

140. Determination of boundaries of lands forming a survey number or a holding.—(1) At the time of a survey, the boundary of a survey number, a sub-division of a survey number or a holding,—

(a) if undisputed, shall be recorded and marked as pointed out by the holder or person in occupation, and

(b) if disputed, or if the holder or person in occupation be not present, shall be fixed by the Survey Officer, in accordance with the land records relating to the land and after making such inquiry as he considers necessary.

(2) If any dispute arises concerning the boundary of a holding which has not been surveyed, or if at any time after the completion of a survey, a dispute arises concerning the boundary of a survey number, a sub-division of a survey number or a holding, the Deputy commissioner shall decide the dispute having due regard to the land records, if they afford satisfactory evidence of the boundary previously fixed, and if not, after such inquiry as he considers necessary.

141. Settlement of boundary dispute by arbitration.—(1) If the several parties concerned in a boundary dispute agree to submit the settlement thereof to arbitration and make an application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary, shall require the said parties to nominate a sole arbitrator or an arbitration committee of three persons, within the specified time, and if within a period to be fixed by the said officer, the sole arbitrator or the arbitration committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the said officer, or if the said officer be a Survey Officer lower in rank than a Deputy commissioner of Land Records, by the Deputy commissioner of Land Records, shall be final:

Provided that the said officer, or the Deputy commissioner of Land Records, shall have the power to remit the award or any of the matters referred to arbitration, to the reconsideration of the arbitrator or the committee, as the case may be, for any of the causes set forth in section 16 of the Arbitration Act, 1940 (Central Act 10 of 1940).

(2) If the sole arbitrator or the arbitration committee fail to effect a settlement of the dispute within the time specified, the officer aforesaid or if the officer is a Survey Officer lower in rank than a Deputy commissioner of Land Records, the Deputy commissioner of Land Records may either extend the time or settle the dispute as otherwise provided in this Act.

142. Effect of the settlement of a boundary.—(1) The settlement of a boundary under this Chapter shall be determinative,—

(a) of the proper position of the boundary line or boundary marks, and

(b) of the rights of the land-holders on either side of the boundary fixed in respect of the land adjudged to appertain or not to appertain, to their respective holdings.

(2) Where a boundary has been so fixed, the Deputy commissioner may at any time summarily evict any land-holder, who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary, not to appertain to his holding or to the holding of any person through or under whom he claims.

143. Construction and repair of boundary marks.— (1) Any Survey Officer authorised by a Deputy commissioner of Land Records or a Deputy commissioner for Settlement, as the case may be, may specify or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers or sub-divisions of survey numbers, whether cultivated or uncultivated and assess all charges incurred thereby, on the holders or others having an interest therein.

(2) Such officer aforesaid may require land-holders to construct, lay out, maintain, or repair, their boundary marks by a written order which shall be affixed in the chavadi or other public place in the village to which the lands under survey belong, directing the holders of survey numbers or sub-divisions of survey numbers to construct, lay out, maintain or repair, within a specified time, boundary marks on their respective survey numbers or sub-divisions.

(3) On the failure of the land-holders to comply with the requisition made under sub-section (2), the Survey Officer shall construct, lay out or repair the boundary marks and assess all charges incurred thereby on the holders or others having an interest therein.

(4) A general order, issued in the manner specified under sub-section (2) shall be held to be good and sufficient notice to each and every person having any interest in any survey number or sub-division within the limits of the lands to which the survey extends.

144. Description of boundary marks.—The boundary marks shall be of such description, and shall be constructed, laid out, maintained or repaired, in such manner and shall be of such dimension and materials as may, subject to rules made by the State Government in this behalf, be determined by the Deputy commissioner of Land Records or any other officer appointed for the purpose.

145. Responsibility for the maintenance of boundary marks.—Every land-holder shall be responsible for the maintenance and good repair of the boundary marks of his holding, and for any charges reasonably incurred on account of the same by the Revenue Officers in case of alteration, removal or disrepair. It shall be the duty of the village accountant and officers and servants of the Panchayat to prevent the destruction or unauthorised alteration of the village boundary marks.

146. Deputy Commissioner to have charge of boundary marks after introduction of the survey settlement.—After the introduction of survey settlement in a district, the charge of the boundary marks shall devolve on the Deputy Commissioner and it shall be his duty to take measures for their construction, laying out, maintenance and repair, and for this purpose, the powers conferred on Survey Officers by section 142 and section 143 shall vest in him.

147. Penalty for injuring boundary marks.—(1) Any person wilfully erasing, removing or injuring a boundary mark, or unauthorisedly constructing a boundary mark, shall, after a summary inquiry before the Deputy commissioner, or before a Survey Officer holding a Gazetted rank, be liable to a fine not exceeding fifty rupees for each mark so erased, removed, injured or unauthorisedly constructed.

(2) The fine imposed under sub-section (1) shall be recovered as an arrear of land revenue and out of it an amount not exceeding one half may be awarded by the officer imposing the fine to the informer, if any.

CHAPTER XIII

SURVEY AND SETTLEMENT OF LANDS AND OF BOUNDARY DISPUTES WITHIN THE SITES OF VILLAGES AND THE LIMITS OF TOWNS AND CITIES

148. Limits of sites of villages, towns and cities, how to be fixed and assignment of building sites.—(1) The Deputy Commissioner or a Survey Officer, when directed by a notification by the State Government, may determine what lands are included within the site of any village, town or city, and fix, and from time to time, vary the limits of the same, respect being had to all subsisting rights of land-holders.

(2) The Deputy Commissioner or the Survey Officer acting under sub-section (1) may set apart for building sites within the limits of any village, town or city, fixed under the said sub-section, any lands which may be the property of the State Government and not in the lawful occupation of any person or aggregate of persons, provided that no land hitherto used for purposes of agriculture only, shall be set apart for building sites, except with the previous sanction of the State Government.

(3) Lands already set apart for building sites within the limits of any village, town or city in accordance with any law for the time being in force prior to the commencement of this Act, shall be deemed to have been so set apart under this section.

149. Disposal of building sites.—The Deputy Commissioner may dispose of lands set apart for building sites under section 148 other than such lands as are vested in the local authority having jurisdiction over the village, town or city, in such manner as may be directed by rules made by the State Government in this behalf.

150. Existing exemptions to be continued in certain cases.—The existing exemptions from payment of land revenue or non-agricultural assessment on land situate within the sites of villages and the limits of towns and cities shall be continued,—

(i) if such lands, being other than lands used for purposes of agriculture, have been held wholly or partially exempt from payment of land revenue or non-agricultural assessment under any law, or order of competent authority, or any contract or grant from the State Government, prior to the commencement of this Act;

(ii) if such lands, being ordinarily used for the purposes of agriculture, have been held exempt from payment of land revenue or non-agricultural assessment prior to the commencement of this Act, having been excepted from survey settlement, introduced before this Act on the ground of such lands being 'hittals' attached to buildings or of its being deemed inexpedient to apply a survey settlement to them.

151. Right to exemption to be determined by the Deputy Commissioner.—(1) Claims to exemptions under section 150 shall be determined by the Deputy Commissioner, after a summary inquiry and his decision subject to decision in a civil suit shall be final.

(2) Any suit instituted in a Civil Court to set aside any order passed by the Deputy Commissioner under sub-section (1) in respect of any land situate within the site of a village or the limits of a town or city shall be dismissed, (although

limitation has not been set up as defence) if it has not been instituted within one year from the date of the order.

152. Survey of lands and their boundaries within sites of villages or the limits of cities and towns how to be conducted.—If the State Government shall at any time deem it expedient to direct a survey of any land or any boundary of such land, within the site of any village or the limits of any city or town, under the provisions of section 106 or a fresh survey thereon under the provisions of section 112, such survey shall be conducted and all its operations shall be regulated according to the provisions of Chapters IX and XII of this Act, due regard being had to all existing exemptions from payment of land revenue continued by section 150:

Provided that nothing contained in section 107, section 138 or section 139 thereof shall be considered applicable to any such survey in any city, town or village containing more than five thousand inhabitants.

153. Procedure in certain cases of survey under section 152 and charge of a survey fee.—(1) When a survey is ordered under section 152 to any area within the limits of any city or town containing more than five thousand inhabitants,—

(a) the Survey Officer shall publish a notification in the prescribed manner, inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend either in person or by agent at a specified place and time and from time to time thereafter, when called upon, for the purpose of pointing out boundaries and supplying information in connection therewith;

(b) each holder of a building site within such area shall be liable to pay a survey fee assessed on the area of such land by the Deputy Commissioner in the prescribed manner; provided that no survey fee shall be payable,—

(i) by the State Government; or

(ii) in respect of buildings and lands exclusively occupied for public worship or for charitable purposes, which under any law relating to a local authority having jurisdiction over the area are exempt from the levy of a tax on lands and buildings.

(2) Any survey fee assessed in accordance with sub-section (1) shall be payable within three months from the date of service of a notice by the Deputy Commissioner upon the person liable therefor, after the completion of the survey of the area within the limits of the city or town or of such part thereof as the notice shall refer to. Such survey fee shall be recoverable as an arrear of land revenue.

154. Certificate to be granted without extra charge.—(1) Every holder of a building site within the area of any town or city to which a survey is ordered under section 152, shall be entitled, after payment of the survey fee in accordance with sub-section (2) of section 153 to receive from the Deputy commissioner without extra charge a certificate, in the form prescribed or to the like effect, specifying the plan and description, the extent and conditions of his holding:

Provided that if such holder does not apply for the certificate at the time of payment of the survey fee or thereafter within three months from the date of the notice by the Deputy Commissioner under section 153, the Deputy commissioner may require him to pay an additional fee not exceeding one rupee for each certificate.

(2) Every such certificate shall be executed on behalf of the State Government by such officer as may from time to time be empowered to execute the same.

155. Duties of local authority for protecting boundary or survey marks.—It shall be the duty of every local authority,—

(a) to prevent the destruction, injury, removal or alteration of any boundary or survey mark within the limits of its jurisdiction; and

(b) when such local authority becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the prescribed officer.

156. Contributions payable by local authority.—When the survey of any land or boundary directed under section 152, within the limits of any city or town has been completed in accordance with the provisions of this Act, the expenses incurred in connection with such survey shall, in such proportion as may be fixed by the State Government, be payable by the local authority concerned to the State Government.

CHAPTER XIV

REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

157. Liability for revenue.—(1) In the case of unalienated land, the occupant, and in the case of an alienated land, the superior holder, shall be primarily liable to the State Government for the payment of the land revenue, including all arrears of land revenue, due in respect of the land. Joint occupants and joint holders who are primarily liable under this section, shall be jointly and severally liable.

(2) In the case of default by any person who is primarily liable under this section, the land revenue including arrears as aforesaid shall be recoverable from any person in possession of the land:

Provided that where such person is a tenant, the amount recoverable from him shall not exceed the demands for the year in which the recovery is made:

Provided further that when the land revenue is recovered under this section from any person who is not primarily liable for the same, such person shall be allowed credit for any payment which he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the amount recovered from him in account with the person who is primarily liable.

158. Claim of State Government to have precedence over all others.—(1) The claim of the State Government to any moneys recoverable under the provisions of this Chapter shall have precedence over any other debt, demand or claim whatsoever whether in respect of mortgage, judgment, decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof.

(2) In all cases, the land revenue for the current revenue year, of land for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of such land.

159. Land Revenue when becomes due and payable.—(1) The land revenue leviable on account of a revenue year shall become due on the first day of that year

and it shall be payable at such times, in such instalments, to such persons and at such places, as may be prescribed.

(2) The payment of land revenue to the person prescribed under sub-section (1) may be made in cash or in any prescribed manner.

(3) Any period elapsing between the first day of the revenue year and any date prescribed under sub-section (1) for the payment of land revenue shall be deemed to be a period of grace and shall not affect the provisions of sub-section (1).

160. Arrear of land revenue and defaulter.—(1) Any instalment of land revenue or part thereof which is not paid on the date prescribed for payment under section 159 shall become an arrear of land revenue and the person responsible for the payment shall become a defaulter.

(2) A statement of account, certified by the Deputy Commissioner or by the Assistant Commissioner shall, for the purpose of this Chapter be conclusive evidence of the existence of the arrear of land revenue, of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the rights of such person to make payment under protest and to question the correctness of the accounts in separate proceedings before the Deputy Commissioner or the Assistant Commissioner, as the case may be.

161. Process for recovery of arrears.—An arrear of land revenue may after serving a written notice of demand on the defaulter under section 162 be recovered by any one or more of the following processes, namely:—

(a) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due, under section 163;

(b) by distraint and sale of the defaulter's moveable property including the produce of the land under section 164;

(c) by attachment and sale of the defaulter's immoveable property under sections 165 to 168;

(d) in the case of alienated holdings consisting of entire villages or shares of villages, by attachment of the said villages or shares of villages and taking them under Government management, under sections 183 to 187.

162. Notice of demand.—(1) A notice of demand may be issued on or after the day following that on which the arrear became payable.

(2) The form and contents of the notice of demand, the cost recoverable for such notice from the defaulter as an arrear of land revenue, and the officers by whom such notices shall be issued shall be such as may be prescribed.

163. Forfeiture of occupancy or alienated holding.—(1) The Deputy commissioner may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due, to be forfeited to the State Government, and sell or otherwise dispose of the same under the provisions of sections 87 and 88 and credit the proceeds, if any, to the defaulter's account:

Provided that the Deputy commissioner shall not declare any such occupancy or alienated holding to be forfeited,—

(a) unless previously thereto he shall have issued a proclamation and written notices of the intended declaration in the manner prescribed under section 168 for effecting sales of immoveable property; and

(b) until after the expiration of at least fifteen days from the latest date on which any of the said notices shall have been published as prescribed under section 168:

(2) When any occupancy or alienated holding is declared forfeited under sub-section (1), the Deputy commissioner may, before such occupancy or alienated holding is sold or otherwise disposed of, cancel the declaration of forfeiture, if the defaulter or any person interested in the occupancy or alienated holding pays the entire arrears of land revenue due and all expenses incurred so far in the recovery proceedings as may be fixed by the Deputy commissioner.

164. Distraint and sale of moveable property.—(1) The Deputy commissioner may cause the defaulter's moveable property to be distrained and sold. Such distraint and sale shall be made by such officers or class of officers in such manner and in accordance with such procedure as may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to authorise the distraint or sale of any property which, under the Code of Civil Procedure, 1908, is exempt from attachment or sale in execution of a decree or of any article kept exclusively for religious use.

165. Attachment and sale of immoveable property.—When the Deputy commissioner is of opinion that the processes referred to in clauses (a) and (b) of section 161 are inexpedient or insufficient for the recovery of an arrear, he may, in addition to or instead of any of these processes, cause any immoveable property of the defaulter to be attached and sold.

166. Attachment how to be made.—(1) The attachment of immoveable property under section 165 shall be made by an order prohibiting the defaulter from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge.

(2) The order under sub-section (1) shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and also on the notice board of the office of the Revenue Officer making the order.

(3) No transfer made or charge created by the defaulter after the date on which an order is made under sub-section (1) shall be valid as against the State Government or the auction purchaser at the sale of the property held for recovery of the arrears of land revenue subsequent to the attachment.

167. Claims to immoveable property attached.—(1) If any claim is set up by a person not claiming under the defaulter, to the immoveable property attached under section 165, the Revenue Officer making the attachment shall hold a summary enquiry into the claim and after such enquiry may admit or reject the claim.

(2) The person against whom an order is made under sub-section (1) may, within one year from the date of such order, institute a suit to establish the right which he

claims to the property attached; but subject to the result of such suit, if any, the order shall be conclusive.

168. Procedure in effecting sale of immoveable property.—(1) Before effecting the sale of any land or other immoveable property under the provisions of this Chapter, the Deputy Commissioner or other officer empowered in this behalf, shall issue such notices and proclamations, in such form and in such manner and containing such particulars as may be prescribed, and cause such notices and proclamations to be published in such manner as may be prescribed.

(2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

169. The sale to be by auction.—All sales of property, moveable or immoveable, under this Chapter shall be by public auction held in accordance with such rules as may be prescribed.

170. Prohibition to bid at auction.—No officer having any duty to perform in connection with any sale by auction under section 169 and no person employed by or subordinate to such officer, shall, either directly or indirectly bid for or acquire any property.

171. Purchase of property by Government.—(1) When a property is brought to sale in public auction under section 169, if there be no bid, the Deputy commissioner or other officer duly authorised by him may purchase the property on account of the Government for a value to be determined in the prescribed manner.

(2) When a property is so purchased, the Deputy commissioner may adjust such portion of the value as is necessary to cover the amount due to Government together with the cost of the sale and the defaulter shall be entitled on application to obtain payment of balance, if any, of such value.

(3) Subject to the general or special orders of the State Government, the property so purchased may be disposed of by the Deputy commissioner as he deems fit.

172. Sale of perishables.—Nothing in section 169 applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale, subject to such orders as may from time to time be made by the Deputy Commissioner either generally or specially in this behalf.

173. Sale not to be excessive.—The property to be sold moveable or immoveable, under the provisions of this Chapter, shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered and the expenses of attachment and sale.

174. Deposit by purchaser of immoveable property.—In all cases of sale of immoveable property, the party declared to be the purchaser shall be required to

deposit immediately twenty-five per cent of the amount of his bid, and the balance within fifteen days from the date of the sale.

175. Failure to make deposit.—(1) In default of the payment of the deposit referred to in section 174, the property shall be put up for re-sale forthwith and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder.

(2) In default of payment of the balance of the bid amount within the period prescribed in section 174, the deposit, after defraying therefrom expenses of the sale, shall be forfeited to the State Government and the property shall be re-sold; such re-sale shall be made after issue of a fresh notice in the manner prescribed under this Chapter for the original sale.

(3) Any deficiency of price which may happen on a resale by reason of the purchaser's default and all expenses attending such resale shall be recoverable from the defaulting purchaser in the same manner as an arrear of land revenue.

176. Setting aside sale.—(1) Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest therein, may at any time within ninety days of the date of sale apply in the prescribed manner to the Deputy Commissioner to have the sale set aside,—

(a) on the ground of some material irregularity or mistake or fraud resulting in loss or injury to him, or

(b) on his depositing in the Deputy Commissioner's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser, a sum equal to five per centum of the purchase money.

(2) On an application made under clause (a) of sub-section (1), the Deputy Commissioner shall, if he is satisfied after a summary enquiry that there has been some material irregularity, mistake or fraud in publishing or conducting the sale, set aside the sale and direct a fresh sale:

Provided that no sale shall be set aside on the ground of any irregularity or mistake, unless it is proved that the applicant has sustained loss or injury as a result of such irregularity or mistake.

(3) On an application with the required deposit being made under clause (b) of sub-section (1) within the period specified therein, the Deputy Commissioner shall make an order setting aside the sale:

Provided that if more persons than one have made deposits and applied under this section, the application of the first depositor or in case all the depositors agree to the application of any other depositor being accepted, the application of such depositor, shall be accepted.

177. Confirmation of sale.—If, on the expiration of ninety days from the date of sale of any immovable property, no application has been made for setting aside the sale or if any such application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale:

Provided that for reasons to be recorded, the Deputy Commissioner may set aside the sale subject to such conditions as he may deem proper, notwithstanding

that no application therefor has been made, or on grounds other than those alleged in any application which has been made and rejected.

178. Refunds.—(1) The Deputy Commissioner shall order the refund and payment to the purchases, of,—

(a) the amounts deposited by him under section 174, and

(b) the sum equal to five per centum of the purchase money in case of a deposit under clause (b) of sub-section (1) of section 176;

if the sale of any immoveable property is not confirmed or is set aside.

(2) The Deputy Commissioner shall order the refund and payment of all the moneys deposited under clause (b) of sub-section (1) of section 176 to the person, who made the deposit, if the sale is confirmed:

Provided that the Deputy Commissioner may set off the whole or any part of any such moneys against any arrear of land revenue or any other arrear recoverable as an arrear of land revenue, which may be outstanding against the person, who made the deposit.

179. Certificate of purchase.—When a sale held under this Chapter is confirmed, the Deputy commissioner shall put the person declared to be the purchaser in possession of the property and shall cause his name to be entered in the land records and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein and such certificate shall be deemed to be a valid transfer of such property.

180. Removal of obstruction.—(1) Where a purchaser of immoveable property, to whom a certificate is granted under section 179, is resisted or obstructed by any person, in obtaining possession of the property, such purchaser may apply to the Civil Court having jurisdiction over the property, for removal of such resistance or obstruction and such Court shall investigate the matter as if the property were purchased by the applicant at a sale held in execution of a decree of such Court under the Code of Civil Procedure, 1908.

(2) The provision of the Code of Civil Procedure, 1908, shall apply *mutatis mutandis* to the investigation and the order made thereafter by the Court, under sub-section (1).

181. Application of proceeds of sale.—The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale, which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

182. Liability of certified purchaser.—The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

183. Recovery by attachment of the defaulter's village and taking it under management.—If the holding, in respect of which an arrear is due, consists of an

entire village or of a share of a village, and the adoption of any of the other processes specified in section 161 is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the State Government, cause such village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

184. Lands of such village to revert to Government free of encumbrances.—

(1) The lands of any village or shares of a village attached under section 183 shall revert to the State Government unaffected by the acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such superior holder or sharers as are interested therein, so far as the arrears of land revenue due are concerned, but without any prejudice in other respects to the rights of any tenant or any other person.

(2) The Deputy Commissioner or his agent appointed under section 183, shall be entitled to manage the lands attached by letting them out at rates not exceeding the rates prescribed under any law for the time being in force which he may deem reasonable and by granting unoccupied lands on lease and to receive all rents and profits accruing therefrom to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the management thereof to the said superior holder.

(3) The Deputy Commissioner or his agent appointed under section 183 shall, during such management, be entitled to recover under the provisions of this Chapter, all such rents or profits accruing in or after the revenue year in which such attachment was effected, provided that proceedings for such recovery are taken within six years from the end of the revenue year for which such rent or profit became due.

185. Application of surplus profits.—All surplus profits of the lands attached under section 183, beyond the cost of such attachment and management, including the payment of the current revenue and the cost of the introduction of a revenue survey, which the Deputy Commissioner is hereby empowered to introduce, shall be applied in defraying the said arrear.

186. Restoration of village so attached.—(1) The village or share of a village attached under section 183 shall be released from attachment and the management thereof shall be restored to the superior holder, on the said superior holder making an application to the Deputy Commissioner for that purpose at any time within twelve years from the first of July next after the attachment,—

(a) if at the time that such application is made, it shall appear that the arrear has been liquidated; or

(b) if the said superior holder shall be willing to pay the balance, if any, still due by him, and pays such balance within such period as the Deputy Commissioner may specify in this behalf.

(2) The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying all arrears and

costs, but such surplus receipts, if any, of previous years shall be at the disposal of the State Government.

187. Village, etc., to vest permanently in the State Government if not redeemed within twelve years.—If no application be made for the restoration of a village or share of a village attached under section 183 within the aforesaid period of twelve years, or if after such application has been made, the superior holder fails to pay the balance, if any, still due by him within the period specified by the Deputy Commissioner in this behalf, the said village or share of a village shall thenceforward vest in the State Government, free from all encumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title or in any wise subsisting as against such superior holder or any of the shares, but without prejudice to the rights of the persons in actual possession of the land.

188. Precautionary measures in certain cases.—(1) When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by private agreement or by order of a Civil Court or other public authority, the Deputy commissioner may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not. But in no case shall a crop or any portion of the crop, which has been sold, mortgaged or otherwise disposed of, be detained on account of more than the demands of the year in which the detention is made.

(2) In order to secure the payment of the land revenue by enforcement of the lien of the State Government on the crop, the Deputy commissioner may,—

(a) require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or some other officer to be named by him in this behalf;

(b) direct that no such crop shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(c) cause watchmen to be placed over any such crop to prevent the reaping or removal of the same, and recover the cost incurred thereby as an arrear of land revenue due in respect of the land to which such crop belongs.

(3) Any person who disobeys or abets the disobedience of, any order passed under sub-section (2), after the same has been duly published or a notice thereof has been served upon him, shall be liable, after a summary enquiry by the Deputy commissioner, to a fine not exceeding double the amount of the land revenue due on such land.

(4) The Deputy commissioner shall not defer the reaping of the crop, nor prolong its deposit unduly, so as to damage the produce. If within two months after the crop has been deposited, the land revenue due has not been paid, the Deputy commissioner shall either release the crop and proceed to realise the revenue in any other manner authorised by this Chapter or take such portion thereof, as he may deem fit, for sale under the provisions of this Chapter, applicable to sales of movable property in realisation of the revenue due and of all legal costs and release the rest.

189. Precautionary measures to be relinquished on security being furnished.—Precautionary measures authorised by section 188 shall be relinquished if the person primarily responsible for the payment of revenue or any person who would be responsible, for the same, if default were made by the person primarily responsible, shall pay the costs lawfully incurred by the Deputy commissioner, up to the time of such relinquishment and furnish security to the satisfaction of the Deputy commissioner for the payment of the revenue, at the time at which or in the instalment in which, it is payable under the provisions of this Chapter.

190. Recovery of other public demands.—The following moneys may be recovered under this Act in the same manner as an arrear of land revenue, namely:—

(a) all rents, royalties, water rates, ceases, fees, charges, premia, penalties and fines due to the State Government, for use or occupation of land or water or any product of land;

(b) all moneys due to the State Government under any grant, lease or contract, which provides that they shall be recoverable as arrears of land revenue;

(c) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

191. Recovery of moneys from surety.—Every person who may have become a surety by or under any of the provisions of this Act or under any other enactment or any grant, lease or contract whereunder the sum secured is recoverable from the principal as an arrear of land revenue, shall, on failure to pay the amount or any portion thereof, which he may have become liable to pay under terms of his security bond, be liable to be proceeded against, under the provisions of this Chapter in the same manner as for an arrear of land revenue;

192. Recovery of arrears due in any one district by Deputy Commissioner of another district.—(1) When an arrear of land revenue or other public demand recoverable as an arrear of land revenue under section 190 is due in one district, but is to be recovered by sale of defaulter's property in any other district, the Deputy Commissioner of the district in which such arrear of demand became due shall send a statement of account certified under sub-section (2) of section 160 to the Deputy Commissioner of the district, within which the recovery is to be made.

(2) On receipt of such certified statement it shall be lawful for the Deputy Commissioner of one district to proceed to recover the demand of the Deputy Commissioner of another district under the provisions of this Chapter, as if the demand arose in his own district.

CHAPTER XV

MISCELLANEOUS

193. Inspection and grant of copies of maps and land records.—Subject to such rules and payment of such fees as the State Government may from time to time prescribe in this behalf, all maps and land records shall be open to the inspection of the public at reasonable hours and certified extracts from such maps

and land records or certified copies thereof shall be given to all persons applying for the same.

194. Suspension or remission of land revenue.—(1) Notwithstanding anything contained in this Act, but subject to such rules as may be prescribed, where there is failure of crops in any tract owing to inadequate rainfall or other cause, and the State Government considers that it is necessary to suspend or remit the land revenue payable in respect of any land in such tract, it may, by notification,—

(i) suspend the collection of land revenue or any part thereof for such period as may be specified in such notification; or

(ii) remit the land revenue payable for any year in whole or in part as may be specified in such notification.

(2) Every notification issued under sub-section (1) shall be laid before both Houses of the State Legislature.

195. Delegation of powers.—(1) The State Government may, by notification, delegate to any officer or authority subordinate to it, any of the powers conferred on the State Government or any officer subordinate to it under this Act, to be exercised by such officer or authority, subject to such restrictions and conditions, if any, as may be specified in the said notification.

(2) Notwithstanding anything contained in sub-section (1), the State Government shall not delegate any of its powers under sections 3, 4, 6, 7, 8, 9, 10, 18, 20, 21, 40, 43, 48, 114, 115, 121 or 125 or the power to make rules under section 197 or the power to remove difficulties under section 201.

196. Protection of action taken in good faith.—No suit, prosecution or other proceeding shall lie,—

(a) against any officer of the State Government for anything in good faith done or intended to be done under this Act, or the rules thereunder;

(b) against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Act, or the rules thereunder.

197. Power of State Government to make rules.—(1) The State Government may, by notification and after previous publication, make rules, not inconsistent with the provisions of this Act, to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Act or in cases not expressly provided for thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made,—

(a) regulating the appointment of Revenue Officers and Survey Officers and the exercise by them of their powers;

(b) prescribing the terms and conditions subject to which a Village Accountant holds office under section 16;

(c) prescribing the language other than Kannada or English, in which the evidence is to be taken down in a formal inquiry in any district or part of a district under section 33;

(d) prescribing the manner of conducting inquiries other than formal or summary inquiries under section 37;

(e) prescribing conditions subject to which Benches of the Tribunal may have sittings at places other than its headquarters under section 42;

(f) prescribing the mode, form and manner in which appeals under Chapter V shall be drawn up and presented;

(g) prescribing the period within which an application for revision may be made under section 56;

(h) prescribing the purposes for which land liable to the payment of land revenue may or may not be used, and regulating grant of permission to use agricultural land for non-agricultural purposes;

(i) regulating the disposal under section 69 of land and other property vesting in the State Government;

(j) regulating the disposal of forfeited land;

(k) prescribing the terms and conditions on which, and the period for which unoccupied unalienated land may be granted;

(l) fixing the maximum amount of fine leviable under section 95;

(m) regulating the division of survey numbers into subdivisions and the fixing of the assessment of sub-divisions under section 109;

(n) regulating the conduct of surveys and settlements of land revenue and prescribing the notice to be given under section 122 before the introduction of the settlement;

(o) regulating the construction, laying out, maintenance and repair of boundary marks;

(p) prescribing the records, registers, accounts, maps and plans, to be maintained for the purpose of this Act and the manner and forms in which they shall be prepared and maintained;

(q) prescribing the manner in which the assessment or survey number and sub-division thereof shall be based on their classification value;

(r) prescribing the manner in which inquiry is to be held under section 118;

(s) determining the manner in which the average yields of crops of land is to be ascertained by the Settlement Officer;

(t) prescribing the manner in which the Settlement Report shall be published under section 119;

(u) prescribing the manner in which and the places at which the notice inviting objections to the settlement proposals shall be published under sub-section (2) of section 119;

(v) regulating the preparation, maintenance and revision of the record of rights and the registers of mutations and disputed cases and prescribing the forms in which they are to be prepared and the officers by whom the said records and registers are to be maintained, tested and revised;

(w) regulating the exercise by prescribed officers and Revenue Officers of the powers of a Survey Officer and the assessment of costs and expenses under section 131;

(x) prescribing the times and places at which and the persons to whom land revenue shall be payable and the instalments in which it may be paid;

(y) prescribing the form and contents of a notice of demand, the costs recoverable for such notice and the officers by whom such notices shall be issued;

(z) prescribing the procedure and the manner of distraint of movable property and the officers or class of officers competent to make such distraint;

(aa) prescribing the form of summons and other processes, notices, orders and proclamations to be issued or made by Revenue Officers and the manner of their service;

(bb) prescribing the procedure for the attachment and sale of property and the confirmation and setting aside of sales of immovable property under Chapter XIV;

(cc) regulating the manner of publication of notices and proclamations of attachment and sale of property;

(dd) regulating the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;

(ee) prescribing the manner of payment of deposit and of the purchase money of the property sold for arrears of land revenue or other public demands recoverable as such arrears;

(ff) determining the circumstances in which precautionary measures for securing the land revenue under section 188 may be taken;

(gg) regulating the procedure for the transfer of cases from one Revenue Officer to another;

(hh) for the grant of certified copies and fixing the payment of fees for inspection and grant of certified copies of records and other registers;

(ii) fixing the amount of and the manner in which fee, if any, leviable on memorandum of appeals or applications for revision may be levied;

(jj) any other matter which has to be or may be prescribed for the effective enforcement of the Act.

(3) The State Government may, in making any rules under sub-section (1) or sub-section (2) prescribe that any person committing a breach of any specified rule shall, on conviction, be punished with imprisonment for a term not exceeding one month or with fine not exceeding five hundred rupees, or with both, in addition to any other consequences that would ensue from such breach.

(4) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under section 198, every rule made under this Act shall have effect as if enacted in this Act.

198. Laying of rules and Regulations and notifications before the State Legislature.—Every rule made under this Act, every regulation made under section 48, and every notification issued under section 201, shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following both Houses agree in making any modification in the rule, regulation or notification or both Houses agree that the rule, regulation or notification should not be made, the rule, regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may

be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule, regulation or notification.

199. Transitional provisions.—(1) Save as otherwise expressly provided in this Act, all cases instituted or pending before the Tribunal or any Revenue Court in any area within the State, immediately before the coming into force of this Act, whether in appeal, revision, or otherwise shall be decided in accordance with the provisions of the appropriate law, which would have been applicable had this Act not been passed.

(2) Any case instituted or pending in a Civil Court immediately before the coming into force of this Act, which would under this Act be exclusively triable by a Revenue Court, shall be disposed of by such Civil Court according to the law in force prior to the commencement of this Act.

200. Offences by Companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means a body corporate, and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

201. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, in any area of the State, in consequence of the transition to the said provisions from the provisions of any enactment or law in force in such area immediately before the commencement of this Act, the State Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act, in any area of the State, otherwise than in relation to the transition from the provisions of any enactment or law in force in such area before the commencement of this Act, the State Government may, by notification, make such provisions not inconsistent with

the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

202. Repeal and Savings.—(1) The enactments specified in the Schedule, and any other law corresponding to this Act are hereby repealed:

Provided that subject to the provisions of this Act, the repeal shall not effect,—

- (a) the previous operation of any such enactment or law or anything duly done or suffered thereunder;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment or law;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment or law;
- (d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture, or punishment may be imposed as if such enactment or law had not been repealed.

(2) Notwithstanding anything contained in the proviso to sub-section (1) but subject to any notification issued under section 201, anything done or any action taken (including any appointment, or delegation made, land revenue, non-agricultural assessment, fee or cess, settled, fixed or imposed, notification, order, instrument or direction issued, rule or regulation made, certificate obtained or permission granted) under any enactment or law repealed by sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

(3) Any reference in any enactment or law or in any instrument to any provision of any of the enactment or law repealed by sub-section (1) shall, unless a different intention appears, be construed as a reference to the corresponding provision of this Act.

(4) Any custom, usage or order prevailing in any area of the State, at the time of the commencement of this Act, and having the force of law therein shall, if such custom, usage or order is repugnant to, or inconsistent with any of the provisions of this Act, cease to be operative to the extent of such repugnancy or inconsistency.

SCHEDULE

(See section 202)

<i>Sl. No.</i>	<i>Year</i>	<i>Act No.</i>	<i>Short Title</i>
1.	1831	I	Land Suits (Bombay Regulation I of 1831).
2.	1876	X	The Bombay Revenue Jurisdiction Act, 1876.
3.	1879	V	The Bombay Land Revenue Code, 1879.
4.	1906	II	The Bombay Mamlatdars' Courts Act, 1906.
5.	1939	XII	The Bombay Revenue Tribunal Act, 1939.
6.	1317-F	VIII	The Hyderabad Land Revenue Act 1317F.
7.	1358-F	LX	The Hyderabad Board of Revenue Regulation, 1358-F.
8.	1952	XXXII	The Hyderabad Land (Special Assessment) Act, 1952.
9.	1888	IV	The Mysore Land Revenue Code, 1888.
10.	1951	VIII	The Mysore Survey and Boundaries Act, 1951.
11.	1955	7	The Mysore Board of Revenue Act, 1955.
12.	1957	24	The Mysore Revenue Appellate Tribunal Act, 1957.
13.	1958	17	The Mysore Land Record of Rights Act, 1958.
14.	1962	18	The Mysore Additional Deputy Commissioners (Appointment and Powers) Act, 1962.
15.	1899	I	The Coorg Land and Revenue Regulation, 1899.
16.	1802	XXVI	The Madras Land Registration Regulation, 1802.
17.	1803	I	The Madras Board of Revenue Regulation, 1803.
18.	1803	II	The Madras Collectors Regulation, 1803.
19.	1817	VIII	The Madras Revenue Recovery (Military Proprietors) Regulation, 1817.
20.	1822	IX	The Madras Revenue Malversation Regulation, 1822.
21.	1823	III	The Madras Malversation (Amendment) Regulation, 1823.
22.	1828	VII	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.
23.	1832	III	The Madras Revenue Malversation (Amendment) Regulation, 1832.
24.	1837	XXXVI	The Madras Public Property Malversation Act, 1837.
25.	1839	VII	The Madras Rent and Revenue Sales Act, 1839.
26.	1857	VII	The Madras Uncovenanted Officers Act, 1857.
27.	1864	II	The Madras Revenue Recovery Act, 1864.
<i>Sl. No.</i>	<i>Year</i>	<i>Act No.</i>	<i>Short Title</i>
28.	1865	I	The Madras District Limits Act, 1865.
29.	1865	VI	The Madras Officials Seals Act, 1865.
30.	1869	III	The Madras Revenue Summonses Act, 1869.
31.	1876	I	The Madras Land Revenue Assessment Act, 1876.
32.	1893	V	The Madras Revenue Enquires Act, 1893.
33.	1905	III	The Madras Land Encroachment Act, 1905.
34.	1914	II	The Madras Land Revenue Assessment (Amendment) Act, 1914.
35.	1914	VII	The Madras Deputy Collectors Act, 1914.
36.	1923	VIII	The Madras Survey and Boundaries Act, 1923.
37.	1925	II	The Madras Survey and Boundaries Act, 1923 (Validation) Act, 1924.
38.	1937	XIV	The Madras Revenue Recovery And City Land Revenue (Amendment) Act, 1937.
39.	1952	X	The Madras Survey and Boundaries (Amendment) Act, 1952.

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NOTIFICATIONS

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Bangalore, dated 19th March 1964. [No. RD 55 LAD 64]

S.O. 385.—In exercise of the power conferred by sub-section (3) of section 1 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), the Government of Mysore hereby appoints the 1st day of April 1964, as the day on which the said Act shall come into force in the State of Mysore.

By Order and in the name of Governor of Mysore,
(N. NARASIMHA RAO)
Secretary.