The Rajasthan Land Revenue Act, 1956

Act Rajasthan Act No. 15 of 1956. 302 sections. Bare Act with the official footnotes.

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Every section online, with the old and new law side by side and exam questions:
https://www.lawmaker.in/bare-acts/rajasthan-land-revenue-act-1956

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An Act consolidate and amend the law relating to land ;the appointment,powers and duties of Revenue Courts, Revenue officers, and village servants;the preparation and maintenance of maps and land records; the settlement of revenue and rent; the partition of estates; the collection of revenue and matters incidental thereto.

Be it enacted by the Rajasthan State Legislature in the seventh year of republic of India, as follows-

Section 1. Short title, extent and commencement

(1) This Act may be called "The Rajasthan Land Revenue Act, 1956."

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may be notification in the [official Gazette][1] appoint.

[1] Substituted by Sec. 4 of the Rajasthan Act No. 2 of 1958, pub. in Raj. Gaz. Part IV-A, Extraordinary, dt. 13-1-1958.

Section 2. Enactments not affected by Act

Nothing in this Act shall be construed so as in any way of affect or restrict the operation of the provisions of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952) [or the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act 3 of 1955) or the Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953 (Bombay Act XXXIX of 1954) in so far as it applies to the Abu area or the Madhya Bharat Zamindari Abolition Act, Samvat 2008 (Madhya Bharat Act 28 of 1954) in so far as they apply to the sunel area)[1] or the Rajasthan Land Summary Settlement Act, 1953 (Rajasthan Act XIX of 1953) of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) or the Rajasthan Panchayat Act, 1953 Rajasthan Act XXI of 1953) or and other law or enactment not repealed by Section 263.

[1] Ins. By Part-B of the First Schedule of Rajasthan Act No. 2 of 1958, pub. in Raj. Gaz., Part IV-A, Extraordinary, dt. 13-1-1968.

Section 3. Interpretation

In this Act, unless the subject or context otherwise requires -

(i) "Land Records Officer" shall mean the collector and shall include Additional or Assistant Land Records Officer;

[1][(ia) "Municipality" shall have the meaning assigned to it by the Rajasthan Town Municipalities Act, 1951 (Rajasthan Act 23 of 1951) or any other municipal law for the time being in force;

(ib) "Nazul Land" shall mean abadi land within the limits of a municipality or a panchayat circle or a village, town or city, vesting in the State Government;

(ic) "Panchayat circle" shall have the meaning assigned to it by the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953) or any other Panchayat law for the time being in force;]

(ii) "Prescribed" shall mean prescribed by this Act or by rules made under this Act;

(iii) "Recognised Agent" of a party shall, subject to rules made under this Act, mean a person authorised in writing by such party to make appearances and applications and to do other acts on his behalf;

[2][(iiia) "Revenue Appellate Authority" shall mean the officer appointed as such authority under Section 20-A;]

(iv) "Settlement Officer" shall include an Assistant Settlement Officer;

(v) "Village" shall mean the tract of land which ha sbeen recognised and recorded, or may here after be recognised

& recorded to be a village;

(vi) "Reference" to an officer appointed under this Act shall be construed to include references to an additional officer of the same grade likewise apointed;

(vii) "Words and expressions" defined in the Rajasthan Tenanacy Act, 1955 (Rajasthan Act 3 of 1955) shall, wherever used herein, be construed to have the meaning assigned to them by the said Act; and

(viii) "Words & expressions used to denote" the possessor of any right, title and interest shall be deemed to include the predecessors and successors in right, title or interest of such person.

[1] Inserted by Section 2 of Rajasthan Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Extraordinary, dt. 30-6-1959.

[2] Ins. vide item 16 of the Schedule of the Rajasthan Act No. 8 of 1962, pub. in Raj. Gaz. Part IV-A, Extraordinary, dt. 23-4-1962.

Section 4. Establishment and Composition of Board

(1) There shall be established for the State of Rajasthan, a Board of Revenue here in after referred as the Board.

[1][(2) The Board shall consist of a Chairman, and not less than three and not more than [2][fifteen] other members].

(3) All appointments made under sub-section (2) shall be notified in the [3][Official Gazette].

[4][(4) The State Government shall prescribe the qualifications of persons who shall be eligible for appointment as Chairman and member of the Board, the method of their selection for appointment and the condition of their service:

Provided that till the qualifications of persons to be eligible for appointment as Chairman and Members of the Board are prescribed by the Government and appointments are made in accordance therewith their qualification shall continue to be the same as prescribed by sub- section (4), as it stood immediately before the commencement of the Rajasthan Land Revenue (Amendment) Ordinance, 1969.]

[5][(5) The Constitution of the Board shall not be deemed to be invalid if any vacancy occurs on account of the death, resignation, expiry or termination of the appointment or temporary absence of the Chairman or any member.]

[1] Subs. And shall be deemed always to have been subs. Vide Sec. 2(ii) of Raj. Act No. 21 of 1966, pub. in Raj. Rajpatra, Part IV-A, Extraordinary dt. 13-10-1966.

[2] Subs. For ten vide Sec. 2 of the Raj. Revenue (Admt.) Act 1986, pub. in Raj. Rajpatra, Part IV-(ka), Extraordinary dt. 15-9- 1986, Page 1, w.e.f. 23-7-1986.

[3] Subs. By Sec. 4 of Raj. Act No. 2 of 1958, pub. in Raj. Rajpatra, dt. 13-1-1958.

[4] Subs. Vide Raj. Act No. 6 of 1970, pub. in Raj. Rajpatra, dt. 24-4-1970.

[5] Ins. vide Raj. Act No. 6 of 1970, pub. in Raj. Rajpatra, dt. 24-4-1970.

Section 5. Tenure of Members

All members of the Board shall hold office during the pleasure of the [1][Governor].

[1] Subs. Vide Part 1 of the Fourth Schedule to the Rajasthan Adaptation of Laws Order, 1955, pub. in Raj. Rajpatra, dt. 1- 11-1956.

Section 6. Place of Sitting

The headquarters of the Board of Revenue shall be at [1][Ajmer] but subject to the general or special orders of the State government, it shall be lawful for the Board to sit at any place within its jurisdiction.

[1] Union of India v. Col. J.N. Sinha, AIR 1951 SC 40 : 1970 (2) SCC 458.

Section 7. Ministerial Officers

(1) There may be appointed for the Board, a registrar and such other ministerial officers as may be necessary for the exercise and performance of the powers conferred and duties imposed on it by the Act or by or under any other enactment, rule or order for the time being in force.

(2) The Registrar and other officers appointed under sub-section (1) shall, subject to general or special orders of the State Government, exercise such powers and discharge such functions as the Board may direct.

Section 8. Powers of the Board

Subject to the other provisions of this Act or to the provisions of the Rajasthan Tenancy Act, 195 (Rajasthan Act 3 of 1955) or of any other law in force, the Board shall be the highest revenue court of appeal, revision and reference in Rajasthan:

Provided that in all matters where there is a doubt or dispute involving the determination of the jurisdiction of a civil or a revenue court in respect thereof, the decision of the High Court shall be final and binding on all civil and revenue courts in [1][the State] including the Board.

(2) In addition to the powers mentioned in sub-section (1)., the Board shall exercise such other powers and perform such other duties as may from time to time entrusted to it by the Government or as are conferred or imposed on the Board by or under this Act or any other law for the time being in force.

[1] Subs. Vide S. 4 of Raj. Act No. 2 of 1958, pub. in Raj. Rajpatra Part IV-A, Extra-ord., dt. 13-1-1958.

Section 9. General Superintendence of Subordinate Revenue Courts

Subject to other provisions of this Act, the general superintendence and control over all revenue courts and over all revenue officers shall be versed in, and all such courts and officers shall be subordinate the Board.

Section 10. Jurisdiction of Board how exercised

(1) Except as otherwise provided by or under this Act or by any other law or enactment for the time being in force in the whole or any part of [1][the State and subject to an rule made in that behalf, the jurisdiction of the Board may be exercised -

(a) by the Chairman or any other member of the Board, sitting singly, or

(b) by a Bench of the Board, consisting of two or more members:

Provided that a party aggrieved by a decision of a single member shall have the right to make a special appeal to a bench consisting of two or more members of the Board within one month from the date of the decision of the single member, [2][if the member who passed the judgment [3][and if the member who passed the judgment ceases to be attached the Board, any other member] declares that the case is a fit one for appeal].

(2) Subject to any rules made in that behalf, the Chairman may distribute the business of the Board & make such territorial or other divisions of its jurisdiction as he may deem fit.

(3) Every order made or act done under sub-section (1) or in accordance with the distribution or division made under sub-section (2), shallbe deemed to be the order or act, as the case may be, of the Board.

[1] Added vide Sec. 2 of Raj. Act No. 5 of 1964, published in Raj. Gazette Ex-ord., dt. 26-3-1964.
[2] Substituted vide Sec. 4 o Raj. Act No. 2 of 1958, published in Raj. Rajpatra, dt. 13-1-1958.
[3] Ins. vide Sec. 2 of Raj. Act No. 3 of 1991, pub. in Raj. Gaz. Ex-ord. 4 (Ka) dt. 27-3-1991, P. 101.

Section 11. Power to refer to a Bench

The Chairman or any other member of the Board sitting singly for the disposal of any case or proceeding may, if he thinks fit, for reasons to be recorded in writing, refer any question of law or custom having the force of law or of the construction of any document arising before him in such case or proceeding, for the opinion of Bench, and the case or proceeding shall be disposed of in accordance with such opinion.

Section 12. Power to refer question to High Court

(1) If any case it appears to a Bench that any such question as is referred to in Section 11 is of public importance and that it is expedient to obtain the opinion of the High Court thereon, the Bench may refer the question to that Court.

(2) The High Court may, after such hearing as it thinks fit, record opinion on the question so referred and the decision of the case shall be in confirmity with such opinion.

Section 13. Decision in case of difference of opinion

(1) Where a case is heard by a Bench of the Board, the decision of such case shall be in accordance with the opinions of the majority of the members who hear it.

(2) Where such members are equally divide in opinion as to the order to be made in such case, the case shall be referred to another member and decided in accordance with the opinion of the majority of the members including such other members who hear it.

Section 14. Registers etc. to be kept

The Board shall cause to be kept and maintained such registers, books and accounts as may be prescribed o as may be necessary for the transaction of its business.

Section 15. Territorial Divisions

(1) For the purpose of the revenue and general administration of the State, the whole of [1][the State] shall consist of as many [2][division and] [3][districts] as the State Government may deem fit.

[1][(2) Every division shall for like purpose be a district or consist of more than one district as the State Government may determine.]

(3) The State Government may divide any district into as many sub-divisions as it may deem fit, each such division to consist of a tehsil or of more than one tehsil.

(4) The State Government may sub-divide any tehsil into as many sub-tehsils as it may deem fit.

(5) The State Government shall define the limits of each [2][division] district, sub-division, tehsil or sub-tehsil constituted under this section.

(6) All [4][divisions] districts, sub-divisions, tehsils and sub-tehsils constituted under this section shall be notified in the [5][official Gazette].

(7) The [4][X X X] districts, sub-divisions, tehsils and sub-tehsils [6][by whatever name locally designated] existing at the commencement of this Act shall continue respectively to be the [4][X X X] districts, sub-divisions, tehsils and sub-tehsils as if constituted under this Act unless, other provision is made in respect thereof under or in pursuance of this Act.

[1] Subs. By Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Rajpatra - Part IV-A Ex.-ord., dt. 13-1-1958.
[2] Ins. by Act No. 10 of 1987 w.e.f. dt. 31-1-1987, Pub. in Raj. Gaz., Ex-ord. 4 (ka), dt. 9-4-1987, Pages 43-50.
[3] Subs. And omitted vide item No. 16 of the Schedule of Rajasthan Act No. 8 of 1962, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 23-4-1962.
[4] Ins. by Act No. 10 of 1987 w.e.f. dt. 31-1-1987, Pub. in Raj. Gaz., Ex-ord. 4 (ka), dt. 9-4-1987, Pages 43-50.
[5] Subs. By Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Rajpatra - Part IV-A Ex.-ord., dt. 13-1-1958.
[6] Ins. by Part B of the First Schedule to Rajasthan Act No. 2 of 1958, pub. on 13-1-1958 in Rajpatra.

Section 16. Power to create, abolish or alter divisions etc

The State Government may be notification in the [1][official Gazette]-

(a) create new or abolish existing [2][divisions] districts, sub-divisions, tehsils and [3][sub- tehsils, villages], and

(b) alter the limits of any of them.

[1] Subs. By Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Rajpatra - Part IV-A Ex.-ord., dt. 13-1-1958.
[2] Ins. by Act No. 10 of 1987 w.e.f. dt. 31-1-1987, Pub. in Raj. Gaz., Ex-ord. 4 (ka), dt. 9-4-1987, Pages 43-50.
[3] Subs. By Act No. 8 of 1995, pub. in Raj. Gaz., E.O. 4 (ka), dt. 26-4-1995, Page 19.

Section 17. Commissioners and Additional Commissioners

[1][The State Government shall appoint in each division a Commissioner and may appoint as may Additional Commissioners as may be necessary in a division or in two or more divisions or parts thereof combined.]

[1] Ins. by Act. No. 10 of 1987, w.e.f. dt. 31-1-1987, pub. in Raj. Gaz., Ex-ord. 4 (kia) dt. 9-4-1987, Pages 43-50.

Section 18. Settlement Commissioner and Additional Settlement Commissioner

The State Government shall appoint for the whole of the State a Settlement Commissioner and may appoint as many Additional Settlement Commissioners as it may considers necessary.

Section 19. Director and Additional Directors of Land Records

The State Government shall appoint for the State, a Director of Land Records and may appoint as many Additional and Assistant Directors of Land Records as it may consider necessary.

Section 20. Appoint of other Officers

The State Government -

(a) shall appoint -

(i) a Collector in each district, who shall also be the Land Records Officer for the district, and

(ii) a Tehsildar in each tehsil;

(b) may appoint -

(i) an Additional Land Record Officer to a district,

(ii) a Settlement Officer to a district,

(iii) as many Assistant Collectors to a district as it thinks fit, and

(iv) as many Naib-tehsildars to to a Tehsil as it thinks fit;

(c) shall appoint -

(i) as Assistant Collecor in charge of one or more sub-divisions of a district,

(ii) a Tehsildar or a Naib-Tehsildar in charge of one or more sub-tehsils of a tehsil; and

(d) may appoint -

(i) an Additional Collector in district or in two or more districts combined, and

(ii) an Additional Tehsildar in a tehsil or in two or more tehsils combined.

Section 20-A. Revenue Appellate Authority

[1](1) The State Government may appoint such number of officers, not being less than three, as may be found necessary to receive, hear and dispose of appeals, revisions and references in revenue judicial cases and other matters specifically provided for by law.

(2) Every officer so appointed shall be designated as Revenue Appellate Authority and shall, for exercise of his jurisdiction and the performance of his duties, sit at such place or places as the State Government may from time to time direct.]

[1] Ins. by Act No. 10 of 1987, w.e.f. 31-1-1987, pub. in Raj. Gaz., E.O. 4 (ka), dt. 9-4-1987, P. 43-50.

Section 21. Appointment ex-officio

Any appointment under Section 17 or Section 18 or Section 19 or Section 20[1] [or Section 203-A] may be made by virtue of office.

[1] Ins. & omitted vide Sec. 4 read with item No. 16 of the Schedule of Rajasthan Act No. 8 of 1962, pub. in Raj. Rajpatra, Part IV-A, Ex. Ord., dt. 23-4-1962.

Section 22. Notification of appointment

All appointments made under Section 17 to 21 shall be notified in the [1][official Gazette], provided that it shall not be necessary so to notify the appointments of Naib-Tehsildars.

[1] Subs. By Sec. 4 of Rajasthan Act No. 2 of 1958, pub. in Raj. Gaz., Part IV-A, Ex. Ord., dt. 13-1-1958.

Section 23. Controlling Power

(1) The control of all non-judicial matters connected with revenue in the State, other than matter connected with settlement, is vested in the State Government and the control of all judicial matters and of all matters connected with settlement is vested in the Board.

(2) The expression "judicial matter" means a proceeding in which a revenue court or officer has to determine the rights and liabilities of the parties thereto and the proceeding and orders as well as appeals, revisions and references in the case specified in the First Schedule shall be deemed to be judicial matters for the purposes of this Act.

Section 24. Subordination of Revenue Courts and Officers

Subject to the provisions of Sections 9 & 23 -

[1][(i) all addl. Commissioners, Collectors, Addl. Collectors, Sub-Divisional Officers, Asstt. Collectors, Tehsildars, Addl. Tehsildars and Naib-Tehsildars in a division shall be subordinate to the Commissioner of such division;]

(ii) all addl. Collectors, Sub-Divisional Officers, Asstt. Collectors, Tehsildars, Addl. Tehsildars and Naib-Tehsildars in a district shall be subordinate to the Collector of such district;

(iii) all Tehsildars, Addl. Tehsildars and Naib-Tehsildars in a sub-division shall be subordinate to the Sub-Divisional Officer of such sub-division;

(iv) all Addl. Tehsildars and Naib-Tehsildars in a Tehsil shall be subordinate to the Tehsildar of such Tehsil;

(v) all Additional Settlement Commissioners, Collectors, Additional Collectors, Settlement Officers, Tehsildars, Additional Tehsildars and Naib-Tehsildars shallbe subordinate to the Settlement Commissioner;

(vi) all Tehsildars, Additional Tehsildars and Naib-Tehsildars in a Tehsil shall be subordinate to the Settlement Officer exercising jurisdiction in such Tehsil;

(vii) all Additional and Assistant Directors of Land Records Collectors, Additional Collectors, Land Records Officers, Tehsildars, Additional Tehsildars and Naib- Tehsildars shall be subordinate to the Director of Land Records;

(viii) all Tehsildars, Additional Tehsildars and Naib-Tehsildars in a Tehsil shall be subordinate to the Land Records Officer exercising jurisdiction in such Tehsil; and

(ix) all Officers specially appointed for any Local area under Chapter VII shall subordinate to the Land Records Officer, or under Chapter VIII to the Settlement Officer, for such area. [Refers S. 221 Raj. Tenancy Act also]

[1] Ins. by Act No. 10 of 1987 Pub. in Raj. Gaz. EO, Part 4(A), dt. 9-4-1987, w.e.f. 31-1-1987.

Section 25. Powers and duties of Courts and Officers

(1) [1] [A Commissioner or a] Collector or a] Collector or a Sub-Divisional Officer or a Tehsildar shall respectively within his division or district or sub-division or tehsil, exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) or any other law for the time being in force.

(2) The Settlement Commissioner shall be incharge of all matters related to settlement throughout the State and shall in respect thereof exercise such powers and discharge such duties as are conferred and imposed on him by or under this Act or any other law for the time being in force.

(3) The Director of Land Records shall be incharge of all matters relating to survey and the preparation, revision and maintenance of land records throughtout the State and shall in respect thereof exercise powers and discharge such duties as are conferred and imposed on him by or under this Act or any other law for the time being in force.

(4) A Land Records Officer or an officer appointed under Chapter VII shall, within the area for which he is appointed exercise such powers and perform such duties as are conferred and imposed on him by or under this Act or any other law for the time being in force.

(5) A Settlement Officer or an officer appointed under Chapter VIII shall, within the area for which he is appointed, exercise such powers and perform such duties as are conferred and imposed on himby or under this Act or any other law for the time being in force.

(6) An [2][Additional Commissioner or an] Additional Settlement Commissioner or an Additional or Assistant Director of Land Records or an Additional Collector or an Additional Tehsildar shall, within the area for which he is appointed, exercise such powers and perform such duties respectively of a [2][Commissioner or] the Settlement Commissioner or the Director of Land Records or a Collector or a Tehsildar in such cases or matters or classes of cases or matters [3][under this Act or under any other law for the time being in force] as the State Government may direct, and every [4][Additional Commissioner or] Additional Settlement Commissioner or Additional or Assistant Director of Land Records or Additional Collector or Additional Tehsildar, while exercising any such power performing any such duty, shall for all purposes be deemed to be the [4][Commissioner or] Settlement Commissioner or Director of Land Records or Collector or Tehsildar, as the case may be, of the area for which he is appointed.

(7) An Assistant Collector or a Naib-Tehsildar shall, within the district or the Tehsil, as the case may be, to which he is appointed, exercise such powers and perform such duties a sare conferred and imposed on him by or under this Act or any other law for the time being in force or as may be delegated, to him by a general or special order of the State Government.

[1] Ins. by Act No. 10 of 1987 w.e.f. 31-1-1987, Pub. in Raj. Gaz. EO, Part 4(ka), dt. 9-4-1987, Pages 43-50.

[2] Ins. by Act No. 10 of 1987, Pub. in Raj. Gaz. EO. 4(ka), dt. 9-4-1987 w.e.f. 31-1-1987.

[3] Inserted and shall be deemed always to have been inserted by Part B of the First Schedule to Rajasthan Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex.-Ord., dt. 13-1-1958.

[4] Ins. by Act No. 10 of 1987, Pub. in Raj. Gaz. EO. 4(ka), dt. 9-4-1987 w.e.f. 31-1-1987.

Section 26. Additional powers of Courts and Officers

(1) The State Government may, by notification in the [1][official Gazette] confer -

(a) on a Naib-Tehsildar, all or any of the powers of a Tehsildar,

(b) on a Tehsildar, all or any of the powers of an Assistant Collector,

(c) on an Assistant Collector, all or any of the powers of a Sub-Divisional Officer or a Land Records Officer or a Settlement Officer or a Collector.

(d) On a Sub-Divisional Officer, all or any of the powers of Land Records Officer or a Settlement Officer or a Collector,

(e) On a Land Records Officer or a Settlement Officer all or any of the powers of a Sub-Divisional Officer or an Assistant Collector or a Collector,

(f) On a Collector, all or any of the powers of Settlement Officer,

[2][(g) on a Commissioner, all or any of the powers of the Settlement Commissioner or the Director of Land Records, and

(h) on the Settlement Commissioner, all or any of the powers of the Director of Land Records.

(2) The powers conferred under sub-section (1) shall be exercised in such areas and in respect of such cases and matters or classes of cases and matters as the State Government may direct.

(3) In conferring powers under this section, the State Government may empower persons by name or classes of officer generally by their official designations.

(4) If an officer in any tehsil, sub-division, district [3][division] or other area who has been invested by name with any powers under thi ssection is transferred to an equivalent officer of the same nature in another tehsil, sub-division, district, [3][division] or area, he shall, unless the State Government otherwise directs be held to be invested with the same powers under this section in such other tehsil, sub-division, [3][division] or area.

[1] Subs. By Sec. 4 of Rajasthan Act No. 2 of 1958.

[2] Ins. by Act No. 10 of 1987, pub. in Raj. Gaz. Ex-ord. Part 4(A) dt. 9-4-1987, w.e.f. 31-1-1987.
[3] Inserted by Act No. 10 of 1987, w.e.f. 31-1-1987, pub. in Raj. Gaz. Ex-ord. Part 4(ka) dt. 9-4-1987, Pages 43-50.

Section 27. Inherent powers of Courts and officers

In addition to the powers specified in Section 25 & 26 -

[1][(a) a Commissioner shall, on being conferred powers under clause (g) of S. 26, have all the powers of a Land Records Officer and the officers subordinate to the Land Records Officers];

(aa) a [Revenue Appellate Authority shall have all the powers of a Collector, a Sub Divisional Officer, an Assistant Collector, and a Tehsildar;

(b) a Collector shall have all the powers of a Sub Divisional Officer, an Assistant Collector and a Tehsildar;

(c) a Sub Divisional Officer shall have all the powers of an Assistant Collector and a Tehsildar;

(d) an Assistant Collector shall have all he powers of a Tehsildar and a Naib-Tehsildar;

(e) a Tehsildar shall have all the powers of a Naib-Tehsildar;

(f) a Land Records Officer or a Settlement Officer shall have all the powers of a Tehsildar or a Naib-Tehsildar or an officer appointed under Chapter VII or Chapter VIII.

[1] Clause (a) renumbered as (aa) and new clause (a) inserted by the Raj. Land Revenue (Amend.) Act, 1987, Pub. in Raj. Gaz. Exty. Part 4(A) dated 9-4-1987, w.e.f. 31-1-1987.

Section 28. Officers temporarily succeeding to a permanent vacancies

Whenever in consequence of the officer of [1][a Commissioner, or] a Collector or a Sub-Divisional Officer or a Tehsildar becoming permanently vacant, any officer succeeds temporarily to the chief executive administration of the [2][division] district, sub-division or Tehsil, as the case may be, such officer shall, pending the order of the State Government, exercise all the powers and perform all the duties conferred and imposed on [2](a Commissioner), a Collector of a Sub- Divisional Officer or a Tehsildar by or under any law for the time being in force in [3][the State].

[1] Inserted by Act No. 10 of 1987 w.e.f. dt. 31-1-1987 Published in Raj. Gaz., EO, 4(ka) dated 9-4-1987 Pages 43-50.
[2] Inserted by Act No. 10 of 1987 w.e.f. dt. 31-1-1987 Published in Raj. Gaz., EO, 4(ka) dt. 9-4-1981, Pages 43-50.
[3] Substituted by Section 4 of Rajasthan Act No. 2 of 1958, Published in Rajasthan Gazette, Part IV-A, Extraordinary, dt. 31- 1-1958.

Section 29. Temporary-absence of officers

Where an officer is temporarily absent from his duties-

(i) any other officer of equal grade functioning at his headquarters or, if there be no officer of an equal grade there any other officer of a superior grade so functioning or, if there be no such superior officer, any other officer of an inferior grade so functioning shall, without relinquishing the ordinary duty, assume charge of the office of the absentee officer and shall continue in charge thereof until the office is assumed by another officer duly appointed thereto and, while in such charge perform the routine duties of the absentee officer, and

(ii) if any officer of an equal, superior or inferior grade is no functioning at such headquarters or is himself also absent, the chief ministerial official of the office shall possess the power of adjourning from time to time any matter, case or proceeding.

Section 30. Formation and alteration of Patwaris Circles

The Director of Land Records, with the previous sanction of the State Government, may from time to time arrange the village of each district in Patwaris' circles and may alter the number and limits of such cities.

Section 31. Appointment of Patwaris

Subject to rules made under this Act, the Collector shall appoint a Patwari to each circle for the maintenance and correction of the annual registers and records under Chapter VII [1][for the collection of a all rents, revenue and other demands due from the land holders and tenants of the circle for which he is appointed], and for such other duties, as the State Government may prescribe.

[1] Inserted vide Section 3 of the Rajasthan Act No. 18 of 1963, published in Rajasthan Gaz. Part IV-A Extraordinary, dt. 12-10-1963.

Section 32. Formation and alteration of Land Records Inspection circles

With the previous sanction of the State Government, the Director of Land Records may arrange the patwaris, circles of each district into land records inspection circles.

Section 33. Appointment of Girdawar Qanungos or Land Records Inspectors

Subject to rules made under this Act, the Collector shall appoint to each land records inspection circle, a Girdawar Qanungo or Land Record Inspector for the proper Supervision, maintenance and correction of the annual registers and records under Chapter VII.

Section 34. Sadar Qanungos

Subject to rules made under this Act, the Director of Land Records shall appoint one or more Sadar Qanungos in each district to supervise the work of the Girdawar Qanungos or Land Records Inspectors and Patwaris and to perform such other duties as the State Government may prescribe.

Section 35. Qualifications etc. of Patwaris and Qanungos

The qualifications of service and duties of Patwaris, Girdwar Qanungos of Land Records Inspectors and Sadar Qanungos shall be regulated by rules made by the State Government in that behalf.

Section 36. Obligation to furnish information necessary for the preparation of records

Any person whose rights, interests or liabilities are required by any enactment for the time being in force or by any rule made under any such enactment to be entered in any official register by a Patwari or by a Girdwar Qanungo or Land Records Inspector or by a Sadar Qanungo shallbe bound to furnish, on his requisition all information necessary for the correct compilation thereof.

Section 37.

[Repealed

Section 38.

Repealed

Section 39.

Repealed

Section 40.

Repealed][1]

[1] omitted by section 3 of of the Rajasthan Act No. 18 of 1963, Publishe din Raj. Gaz. Part IV-A, Extraordinary, dated 12-10-1963

Section 40-A. Termination of the services of Lambardars

"[1]Notwithstanding anything contained in the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955), or in any other law for the time being in force, all Lambardars appointed or deemed to have been appointed under this Act, shall, as from the date of commencement of the Rajasthan Land Revenue (Amendment) Act, 1963, ceases to be Lambardars of the village or group of villages for which they were appointed and shall cease to exercise the powers conferred and to discharge the functions and duties imposed on them, by this Act, and the duty of collecting he revenue or rent or any other State demand shall, until the State Government directs otherwise, be performed by the Patwari of the circle.]"

[1] Inserted vide Section 6 of the Rajasthan Act No. 18 of 1963, Publishe din Raj. Gaz. Part IV-A, Extraordinary, dated 12-10-1963

Section 41.

[1][Deleted

[1] Omitted vide Rajasthan Act No. 34 of 1992 dated 03-12-1992

Section 42.

Deleted

Section 43.

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Section 44.

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Section 45.

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Section 46.

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Section 47.

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Section 48.

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Section 49.

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Section 50.

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Section 51. Place for holding court or making inquiries

(1) Every officer appointed under Chapter III may [1][subject to the provisions contained in Section 20-A] hold court and make an inquiry at any place within the local limits of his jurisdiction.

(2) Except for reasons to be recorded in writing, no such officer shall hear or inquire into any case at any place outside such limits.

[1] Inserted by item No. 16 of the Schedule of Raj. Act No. 8 of 1962,

Section 52. Power to enter upon and survey land

"All revenue and village officers and their servants and workman when authorised, either verbally or in writing may enter upon and survey land and demarcate boundaries and do other acts connected with their duties under this Act or any enactment for the time being in force :

Provided that no person shall enter any building or upon any enclosed courtyard or garden attached to a dwelling house unless with the consent of the occupier thereof without giving such occupier at least twenty-four hours' notice and in making such entry due regard shall be paid to the social and religious sentiments of the occupier.

Section 53. Power of Government, Board etc. to transfer cases

The State Government or the Director of Land Records [1][or a Commissioner] may transfer any non-judicial case or any class of non-judicial cases not concerned with settlement, and the Board or the Settlement Commissioner or the Director of Land Records [XX] may transfer any judicial or settlement case or any class of such case from any subordinate revenue court or revenue officer to any other court or officer competent to deal therewith.

[1] Inserted by Act No. 10 of 1987 w.e.f. 31-1-1987 Pub. in Raj. Gaz., EO, 4(ka) dt. 9-4-1987 Pages 43-50.

Section 54. Power of transfer cases to and from subordinates

[1] [A Commissioner], a Collector, a [2][Sub} Divisional Officer, a Tehsildar, a Land Records officer or a Settlement Officer may make over any case or class of cases, arising under the provisions of this Act or otherwise for inquiry or decision from his own file to any revenue officer subordinate to him who may be competent to deal with such case of class of cases, may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself, or refer the same for disposal to any other such revenue officer competent to deal therewtith:

Provided that even when, after inquiry in a case, a report is submitted by a revenue officer to a superior revenue authority for final order, the latter may, before passing the final order, give the parties an opportunity to be heard.

[1] Inserted vide Rajasthan Act No. 28 of 1987.

[2] Word 'Sub" is missing in the original Act published by Govt. Press.

Section 55. Consolidation of cases

Where more cases than one involving substantially the same question for determination and based on the same cause of action are pending in one or more revenue court, they shall, on application being made by any party to the court to which the ourt or courts concerned are all subordinate, be consolidate in one court and decided by a single

judgment. Such cases may be filed in the superior court.

Section 56. Appearances, applications etc. by whom made

All appearances before, applications to, and acts to be done before, any revenue court or officer under this Act or under any other law for the time being in force, may be made or done -

(i) by the parties in person, or

(ii) by their recognised agents, or

(iii) by legal practitioners duly authorised by the parties and competent to practise before such court or officer :

Provided that the revenue court or officer may require the attendance of any party to a proceeding notwithstanding the employment by him of an agent or a legal practitioner.

Section 56.A. Presentation of applications, appeals, etc

(1) All applications, appeals and proceeding shall, in the absence of a provisions to the contrary effect, be presented to the Court, officer or authority to which or to whom such applications, appeals or proceedings lie under any provision of the Act or the rules thereunder or of any other law for the time being in force or of the rules made under such law :

Provided that, if under any such provisions, any application, appeal or proceeding lies to a Revenue Appellate Authority, such application, appeal or of proceeding may be presented to, and received by, the Collector of the District in which the cause of action for such application, appeal or proceeding arises wholly or in part.

(2) Upon receipt of an application, appeal or proceeding under the proviso to sub-section (1), the collector shall examine the same to see if it bears the proper court fee, has been presented to him within the time limit, if any, prescribed for such presentation, is accompanied with all the

Section 57. Power of Revenue Courts on officers to require attendance of persons and production of document and to receive evidence

(1) Subject to the provisions of Sections 132 and 133 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and rules made under this Act; every revenue court or officer shall have power to summon any person whose attendance is considered necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry or case arising under This Act or any other enactment for the time being in force.

(2) A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or power of the person summoned.

(3) All persons so summoned shall be bound to attend, either in person or by an authorised agent, as such court or officer may direct, and to state the truth upon any subject respecting with they are examined or make statements, and to produce such documents and other things as may be required.

(4) If any persons, on whom a summons has been served, fails to comply with the summons, the court or officer by whom the summons has been issued may issue a bailable warrant for the arrest of such person.

(5) Any person present may be required by any revenue court or officer to give evidence or to produce any document then and there in his possession or power.

Section 58. Summons to be in writing signed and sealed

Every summons shall be in writing in duplicate and shall be signed and sealed by the officer issuing i or by such person as he empowers in this behalf, and it shall specify the time and place at with the person summoned is required to attend and also whether he is required to give evidence or to produce a document.

Section 59. Serving of summons

Every summons shall be served -

(i) by tendering or delivering a copy of it-

(a) to the person summoned, or

(b) to his recognised agent or legal practitioner, or

(c) to any adult male member of his family usually residing with him, or

(ii) if any of the aforesaid persons cannot be found or refuses to accept the service of summons, by affixing a copy thereof to some conspicuous part of his usual or last known place of residence; or

(iii) if such person resides in another district, by sending the summons by post to the Collector of such district for service in accordance with clause (i) or clause (ii); or

(iv) if the revenue court or officer so directs, for reasons to be recorded in writing, by sending the summons to the person named therein either in addition to or in substitution of, any other mode of service, by post under a registered cover.

Section 60. Mode of Serving Notice

Every notice under this Act may be served either by tendering or delivering a copy thereof, or sending such copy by post in a cover registered under the Indian Post Office Act, 1898 (Central Act VI of 1898) to the person on whom it is to be served or his authorised agent or, if service in the manner aforesaid cannot be made, by affixing a copy thereof, at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated.

Section 61. Mode of issuing proclamations

Whenever a proclamation is issued under this Act, copies thereof shall be posted in the court-house of the officer issuing it, at the headquarters of the tehsil within which the land to which it refers is situated, and at some place of public resort on or adjacent to the land to which it refers, and, if the officer issuing it so directs, the proclamation shall be further published by beat of drum on or near the land to which it refers.

Section 62. Notice or proclamation not void for error

No notice proclamation shall be deemed void on account of any error in the name, description or designation of any person or in the description of any land referred to therein unless such error has caused substantial injustice.

Section 63. Hearing in absence of party

(1) if any party to a case of proceeding before a revenue court or officer does not appear on the date fixed for hearing, or on any subsequent date or dates to which the hearing may have been postponed, the case or proceeding may be heard and determined in his absence or may be dismissed in default.

(2) If, on the date fixed for hearing a case or proceeding, a revenue court or officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process - fees for such service, the case or proceeding may be dismissed in default of payment of such process-fees.

Section 64. Adjournment of hearing

(1) A revenue court or officer may, from time to time, adjourn the hearing of a case or proceeding.

(2) The time and place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

Section 65. No appeal form order passed under Section 63

(1) Except where a case or proceeding before any revenue court or officer has been decided on the merits, no appeal shall lie from an order passed under Sec. 63.

(2) The party against whom any order is passed under Section 63 may apply within 30 days from the date of such order, to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing or from paying the requisite process-fee for the service of a summons or notice on the opposite party, and the revenue court or officer may, after notice to the opposite party and after making such inquiry, as may be considered necessary, set aside the order passed.

Section 66. Power to give and apportion costs

(1) A revenue court or officer may give and apportion costs incurred in any case or proceeding arising under this Act in such manner and to such extent, as may be deemed fit.

(2) An order under sub-section (1) awarding costs to a party other than the State Government shall be executable as if it were a decree for money passed by a revenue court.

Section 67. Correction or error or omission

Any revenue court or officer by whom an order has been passed in any proceeding under this Act may, either of his own motion or on the application of a party, correct any error or omission not affecting a material part of the case, after such notice to the parties as may be necessary.

Section 68. Power to refer disputes to arbitration

The Board [1][a Commissioner, an Additional Commissioner],[2][a revenue appellate authority], the Settlement Commissioner, an Additional Settlement Commissioner, the Director of Land Records, an Additional or Assistant Director of land Records, a Collector, an Addl. Collector, a Sub-Divisional Officer, an Asstt. Collector, a Land Records Officer, a Settlement Officer, a Tehsildar or an Addl. Tehsildar may, with the consent of the parties, by order refer any dispute before it or him to arbitration.

[1] Ins. by Act No. 10 of 1987 w.e.f. 31-1-1987, pub. in Raj. Gaz., E.O. 4(ka), dt. 9-4-1987, P. 43-50.
[2] Sub. vide item 16 of the Schedule of Rjaasthan Act No. 8 of 1962, pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 23-4-1962.

Section 69. Procedure in cases referred to arbitration

In all cases of reference to arbitration under Section 68, the provisions of the Arbitration Act, 1940 (Central Act X of 1940), shall apply so far as they are not inconsistent with anything in this Act.

Section 70. Application to set aside award

Any application to set aside an award shall be made within the twenty days after the service of the notice of filling the award.

Section 71. Decision according to award

If the revenue court or officer making the reference does not see cause to remit the award or any of the matters referred to arbitration for reconsideration, and if no application has been made to set aside the award, of if such application has been refused, such court or officer shall decide the dispute in accordance with the award of if the award has been submitted in the form of a special case, according to its or his own opinion in such case.

Section 72. Bar to appeal & suit in Civil Court

Such decision shall be at once carried out and shall not be open to appeal unless the decision is in excess of, or not in accordane with the award, or unless the decision is impugned on the ground that there is no valid award in law or in fact.

Section 73. Delivery of possession of immovable property

If possession of immovable property is adjudged, the court or officer making the order may deliver possession in the same manner, and with the same powers in regard to all contents, resistence and the like, as may be lawfully exercised by the civil courts in execution of there own decrees.

Section 74. Appeal to be as followed by this Act

Notwithstanding any law for the time being in force, no appeal shall lia from any [1][xxx] order passed by any revenue court or officer except as provided in this Act.

[1] Omitted by Sec. 3 of Raj. Act No. 33 of 1959, pub. in Raj. Gaz. Part IV-A, E.O., dt. 30-6-1959.

Section 75. First Appeals

(1) Save when otherwise provided in this Act, a first appeal shall lie -

[1][(a) to the Collector from an original order passed by a Tehsildar in matters not connected with settlement or land records.

(b) to the [2](revenue appellate authority) from an original order passed by an Assistant Collector or a Sub-Divisional Officer or a Collector in maters not connected with settlement.]

(c) to the Settlement Officer from an original [3][xxx] order passed by a revenue court or officer subordinate to him.

(d) to the Land Records Officer an original [3][xxx] order passed by a revenue court or officer subordinate to him.

(e) to the Settlement Commissioner from an original [3][xxx] order passed by a Settlement Officer or by a Collector in matters connected with Settlement.

(f) to the Director of Land Records from an original [3][xxx] order passed by a Land Records Officer in matters connected with land records, and

(g) to the Board from an original [4][xxx] order passed by the [4][Commissioner or Additional Commissioner, the] [2][revenue appellate authority], the Settlement Commissioner

(2) [4][xxx].

[1] Subs. by clause (i) (a) of Sec. 4 of Raj. Act No. 33 of 1959, Published in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959.
[2] Subs. vide item No. 16, the Schedule of Raj. Act No. 8 of 1962, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 23-4-1962.

[3] Omitted by clause (i)(b) of Sec. 4 - ibid.
[4] Omitted by clause (ii) of Sec. 4 - ibid.

Section 76. Second Appeals

[1] [xxx] An appeal shall lie from [an order] passed in appeal -

(a) by a Collector in [2][xxx] matters not connected with settlement or land records, - to the [3][revenue appellate authority], or

(b) by a Settlement Officer acting under Section 181, to the Settlement Commissioner, or

(c) by a Land Records Officer - to the Director of Land Records, or

(d) by the [4][Commissioner or the] [revenue appellate authority] or the Settlement Commissioner [5][xxx] to the Board.

[5][(2) xxx].

[1] Omitted and Substituted by Sec. 5 of Raj. Act No. 33 of 1956, published in Raj. Ga. Part IV-A, Ex-ord., dt. 30-6-1956.
[2] Substituted by Sec. 6 - ibid. (Page 109).
[3] Substituted vide item No. 16 of the Schedule of Raj. Act No. 8 of 1962, published in Raj. Gazettee Part IV-A, Ex-ord, dt. 23-4-1962.
[4] Inserted by Act No. 10 of 1987, w.e.f. 31-1-1987, pub. inRaj. Gaz. Ex-ord. 4(Ka), dt. 9-4-1987, Pages 43-50.
[5] Omitted and Substituted by Sec. 5 of Raj. Act No. 33 of 1956, published in Raj. Ga. Part IV-A, Ex-ord., dt. 30-6-1956.

Section 77. No appeal in certain cases

[1] (1) No appeal shall lie -

(a) from an order admitting an appeal or application for review on the ground specified in Sec. 5 of the Indian Limitation Act, 1908 (Central Act IX of 1908), or

(b) from an order rejecting an application for revision or review, or

(c) from an order which is expressly declared by this Act to be fina, [1][or]

[1][(d) from an interim order, and

(2) The provision of sb-section (1) shall apply to all applications or proceedings pending on the date of the commencement of the Rajasthan Revenue Laws (Amendment) Ordinance, 1975 (Ordinance No. 13 of 1975)].

(3) All pending appeals against interim order, whether under Section 75 or under Section 76, shall abate on the date of the commencement of the Rajasthan Revenue Laws (Amendment) Ordinance, 1975 (Ordinance No. 13 of 1975)].

[1] Amended vide Sec. 4 of Raj. Act No. 4 of 1976, pub. in Raj. Gaz. Part 4(Ka), dt. 31-1-76, on Page 85, the date of commencement of the Ordinance in 15-8-1975.

Section 78. Limitation for appeals

No appeal shall lie -

(a) to the Collector or Land Records Officer or Settlement Officer after the expiration of thirty days from the date of the [1][xxx] order to which objection is made; or

(b) to the [2][revenue appellate authority] or Settlement Commissioner or the Director of Land Records after the expiration of sixty days from such date; or

(c) to the Board after the expiration of ninety days from such date.

[1] Omitted by S. 7 of Act No. 33 of 1959.
[2] Subs. vide item No. 16 of the Schedule Raj. Act No. 8 of 1962, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 23-4-1962.

Section 79. Copy of [1][xxx] order objected to, to accompany petition

Every petition for appeal shall be accompanied by a certified copy of the [1][xxx] order to which objection is made, unless the production of such copy is dispensed with.

[1] Omitted and substituted by Sec. 5 of Raj. Act No. 33 of 1959, pub. in Raj. Gaz. Part IV-A, Ex-ord. dt. 30-6-1959.

Section 80. Power of Appellate Authority

(1) The appellate authority may either admit the appeal, or, after calling for the record and giving the appellant an opportunity to be hard may summarily reject it :

Provided that the appellate authority shall not be bound to call for the record where the appeal is time-barred or does not lie.

(2) If the appeal is admitted a date shall be fixed for hearing and notice there of shall be served on the respondent.

(3) After hearing the parties, if they appear, the appellate authority may confirm, vary or reverse the [xxx] order appealed against; or may direct such further investigation to be made or such additional evidence to be taken, as it

may think necessary; or may itself take such additional evidence; or may remand the case for disposal with such directions, as it thinks fit.

Section 81. Power to stay execution of [1][xxx] orders of lower court

(1) If an appeal is admitted, the appellate authority may, pending the result of the appeal, direct the execution of the [1][xxx] order appealed from to be stayed.

(2) A revenue court or officer passing any [1][xxx] order may direct the execution of such [1][xxx] order to be stayed at any time before the expiry of the period prescribed for appeal, if no appeal has been filed.

(3) If execution of any [1][xxx] order is stayed under sub-section (1) or sub-section (2), such security may be taken or conditions imposed as the appellate authority or the revenue court or officer thinks fit.

[1] Omitted by Sec. 7 of Rajasthan Act No. 33 of 1959, Published in Raj. Gaz., Part IV-A, Extra-ord., dt. 30-6-1959.

Section 82. Power [1][xxx] to call for records and proceedings and reference to State Government of Board

[1] [xxx] The Settlement Commissioner or the Director of Land Records [2][or a Collector] may call for and examine the record of any case decided or proceedings held by any revenue court or officer subordinate to him for the purpose of satisfying himself as to the legality or properiety of the order passed and as to the regularity of proceedings;

and, if he is of opinion that the proceedings taken or order passed by such subordinate court or officer should be varied cancelled or reversed, he shall refer the case with his opinion thereon for the orders of the Board, if the case is of a judicial nature or connected with settlement, or for the orders of the State Government if the case is of a non-judicial nature not connected with Settlement;

and the Board or the State Government, as the case may be, shall thereupon pass such order as it thinks fit.

[1] Omitted vide item No. 16 of the Schedule of Raj. Act No. 8 of 1962, pub. on dt. 23-4-1962.
[2] Ins. vide Sec. 8 of Raj. Act No. 18 of 1963, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 2-10-1963.

Section 83. Power of Government to call for records and revise orders

The State government may call for the record of any non-judicial proceedings not connected with settlement held by any officer subordinate to it and may pass thereon such orders as it thinks fit.

Section 84. Power of Board to call for records and revise orders

The Board may call for the record of any case of a judicial nature or connected with settlement in which no appeal lies to the Board if the court or officer by whom the case was decided appears to have exercised a jurisdiction not vested in it or him by law, or to have exercise jurisdiction so vested, or to have acted in the exercise of its or his jurisdiction illegally or with material irregularity, and may pass such orders in the case as it thinks fit.

Section 84A. No revision in Certain cases

[1][No revision shall lieagaint an interim order passed in any proceeding under this Act and all pending revisions against such order shall abate on the date of commencement of the Rajasthan Revenue Laws (Amendment Ordinance, 1975 (Ordinance No.13 of 1975).]

[1] Inserted vide Rajasthan Act No. 4 of 1976 dated 24-01-1976.

Section 85. Hearing

No order under Section 82 or Section 83 or Section 84 shall be passed to the prejudice of any person unless such person has had an opportunity of being heard.

Section 85A. Review by the State Government

[1][The State Government may of its own motion or on the application of a party to a proceeding, review and may rescind; alter or confirm any order made by it under this Act.]

[1] Ins. by S. 2 of Rajasthan Act No. 26 of 1960, pub. in Rajpatra, Part IV-A, E-O, dt. 14-9-1960.

Section 86. Review by the Board and other Courts

(1) The Board of its own motion, or on application of a party to a suit or other proceeding may reivew and may rescind, alter or confirm any [1][xxx] order made by itself or by any of its members.

(2) Even other revenue court or officer may either on its or his own motion, or on application of any party interested, review any [1][xxx] order passed by itself or himself or by any of its or his predecessors in office and pass such orders

in reference thereto as it or he thinks fit:

Provided that -

(i) no [1][xxx] order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such [xxx] order;

(ii) no [1][xxx] order from which an appeal has been made or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending be reviewed;

(iii) no [1][xxx] order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings, and no application for the review of such [1][xxx] order shall be entertained unless it is made within ninety days from the passing of the [1][xxx] order.

(3) An application for review under this section shall lie on any of the grounds mentione din rule 1 of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908) and the provisions of the said order shall, subject to the provisions containe din sub- section (1) or sub-section (2), be applicable.

[1] Omitted by Section 7 of Rajasthan Act No. 33, of 1959, published in Raj. Gaz. Part IV-A, Ex.-ord. dated 30-6-1959.

Section 87. Application of Act IX of 1908

The provisions of the Indian Limitation Act, 1908 (Central Act IX of 1908), shall apply to all appeals and applications for review under this Act.

Section 88. All roads etc. and all land which are not the property of others belong to the State

(1) All public roads, lanes, paths, bridges and ditches; all fences on or beside the all rivers, streams, lakes and tanks, all canals and watercourses, all standing and flowing water, and all lands wherever situated, which are not the property of individuals or of bodies of person legally capable of holding property are except in so far as any rights of such persons or bodies may be established in over the same and except, may be otherwise provided in any law for the time being in force, and are hereby declared to be, with all rihts in or over the same or appertaining thereto, the property of the State; and it shall be lawful for the Collector subject to the [1][order of the Commissioner] to dispose of them in such manner as may be prescribed subject always to the rights of way and all other rights of the public or of individuals legally aubsisting.

(2) Where any property or any right in over any property is claimed by or on behalf of the State or by any person as against the State, it shall be lawful for the Collector, after formal inquiry of which due notice has been given to pass an order deciding the claim.

(3) Any suit instituted in any civil court after the expiration of any year from the date of any order passed under sub-section (1) of sub-section 92) or, if one more appeals have been made against such orders within the period of limitation, then from the date of any order passed by the final appellate authority, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order; provided that in the case of an order under sub-section (2), the plaintiff has had due notice of such order.

(4) Every person shall be deemed to have been due notice of an inquiry or order under this section, if notice there or has been given in accordance with the provisions of this Act or the rules made thereunder.

(5) Any order passed under sub-section (1) or sub-section (2) shall be enforceable by the Collector in the prescribed manner.

[1] Subs. by Act No. 10 of 1987 for the words 'The State Government, Pub. in Raj. Gaz. Ext-ord. Part 4(A), dt 9-4-1987 w,e,f 31-1-1987.

Section 89. Right of minerals, mines, quarries and fisheries

The right to all minerals, mines and quarries and to all fisheries, navigation and irrigation in and from, a river shall vest in the State Government and the State Government shall, [1][xxx] have all powers necessary for the enjoyment of such a right.

(2) The right to all mines and quarries includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for purposes subsidiary thereto, including the erection of offices, workmen's dwellings and machinery. The staking of minerals and deposit of refuse, the construction of roads, railways or tram lines, and any other purposes which the State Government may declare to be subsidiary to mining and quarrying.

(3) If the State Government has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) should be exercised by such person, the Collector may, by an order in writing, subject to such conditions

andreservations as he may prescribe; delegate such powers to the person to whom the right has been assigned:

Provided that no such delegation shall be made until notice has been duly served on all persons having rights in the land effected and their objection have been heard and considered.

(4) If, in the exercise of the right herein referred over any land, the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the Stage Government or its assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall be calculated by the Collector, of, if this award is not accepted, by the civil court, as nearly as may be in accordance with the provisions of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953).

(5) No assignee of the State Government shall enter on or occupy the surface of any land without the previous sanction of the Collector, unless the compensation has been determined and tendered to the person whose rights are infringed.

(6) If any assignee of the State Government fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the person entitled to it, as if it were an arrear of land revenue.

(7) Any person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in and has not been assigned by the State Government, shall without prejudice to any other section that may be taken against his liable, on the order in writing of the Collector to pay a penalty not exceeding a sum calculated at the rate of fifty rupees per ton, or a fraction thereof, of the minerals so extracted or removed:

Provided that if the sum so calculated is less than one thousand rupees, the penalty may be such larger sum not exceeding on thousand rupes as the Collector may impose.

Explanation:- In this section ,minerals include any sand or clay which the State Government may declare to have a commercial value or to be required for any public purpose.

[1] Omitted by Sec. 32(a) of Raj. Act No. 11 of 1964,Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 13-4-1964.

Section 90. Liability of all land to payment of revenue or rent

(1) [1] [Subject to other provision of this Act] all land, to whatever purpose applied and wherever situate, is liable to the payment of revenue or rent to the State Government except such land as has been wholly exempted from such liability by special grant of or contract with, the State Government, or by the provision of any law for the time being in force.

(2) No length of occupation of any land nor any grant of land made by an estate holder shall release such land from the liability to pay revenue or rent.

(3) The State Government may exempt any land from the liability to such payment by means of a special grant or contract or in accordance with the provisions of any land for the time being in force.

[2][(3-A) The State Government may, by notification in the official Gazette, exempt, whether prospectively or retrospectively, any land or class of land from the payment of rent or land revenue.

(4) Revenue or rent may be assessed on land notwithstanding that such revenue or rent, by reason of its having been assigned, released, compounded for or redeemed, is not payable to the State Government.

[1] Ins. by Sec. 2 of Raj. Act No. 47 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 27-12-1958.
[2] Ins. vide Sec. 2 of Raj. Act No. 13 of 1991, pub. in Raj. Gaz. Ex-ord. - 4 (Ka), dt. 24-9-1991.

Section 90-A. Use of agricultural land for non-agricultural purpose

[1][(1) No person holding any land for the purpose of agriculture, and no transferee of such land or any part thereof, shall use the same or any part thereof, by the construction of buildings thereon, shall use the same or any part thereof, by the construction of buildings thereon, shall use the same or any part thereof, by the construction of buildings thereon or otherwise for any other purpose except with the written permission of the State Government obtained din the manner hereinafter laid down and otherwise that in accordance with the terms and conditions of such permission.

(2) Any such persons desiring to use such land or any part thereof for any purpose other than that of agriculture shall apply for the requisite permission in the prescribed manner and to the prescribed officer or authority and every such application shall contain the prescribed particulars.

(3) The State Government shall, after making or causing to be made due inquiry in the prescribed manner, either refuse the permission applied for or grant the same subject to the prescribed terms and conditions.

(4) When any such land or part thereof is permitted to be used for any purpose other than that of agriculture, the person to whom such permission is granted shall be liable to pay to the State Government in respect thereof -

(a) an urban assessment levied at such rate and in accordance with such manner is may be laid down in rules to be made in this behalf by the State Government, or

(b) such amount by way of premium as may be prescribed by the State Government, or

(c) both.

(5) If any such land is so used -

(a) without the written permission of the State Government being first obtained, or

(b) otherwise than in accordance with the terms and conditions of such permission, or

(c) after such permission having been refused under sub-section (3), or

(d) without making any of the payments referred to sub-section (4), the person originally, holding the land as aforesaid for the purpose of agriculture as well as all subsequent transferees, if any, shall be deemed to be a trespasser or trespassers, as the case may be, and shall be liable to ejectment from such land in accordance with Section 91 as if he or they had occupied or continued to occupy such land without lawful authority and to every such proceeding the provisions of Section 212 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) shall apply as if such land were in danger or being wasted, damaged or alienated:

Provided, that State Government may, in lieu of having such person and the subsequent transferees so ejected from the land in question, allow him or them, as the case may be, to retain such land, use the same for any purpose other than that of agriculture on payment to the State Government, in addition to the urban assessment and premium payable under sub-section (4) of fine by way of penalty as may be prescribed.]

[2][(5A) Notwithstanding anything contained in any other provision of this section, the agricultural land may be used without permission for such non-agricultural purposes as may be prescribed by the State Government.]

[3][(6) Where permission under this section is sought with respect to a land situated in an urban area, the permission shall be granted only if the desired non- agricultural purpose is permissible in accordance with the law applicable in that area and is in consonance with the master plan or any other development plan or scheme, by whatever name called, in force, if any, in that area.

(7) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, when an order granting permission under this section is passed with respect to a land situated in an urban area, on and from the date of such order.-

(a) tenancy rights over such land of the person to whom permission under this section is granted shall stand extinguished; and

(b) the land shall be deemed to have been placed at the disposal of the local authority under section 102-A and shall be available for allotment to the person to whom permission is granted under this section, or to the successors, assignees or transferees of such person, by the local authority for any permissible non-agricultural purposes in accordance with the rules, regulations or bye-law made under the law applicable to the local authority, subject to the payment to the local authority of urban assessment or premium or both leviable and recoverable under sub-section (4).

(8) Notwithstanding anything to the contrary contained in this Act and the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) where before [31st December 2021] any person, holding any land for agricultural purposes in an urban area or within the such land or part thereof for consideration by way of sale or agreement to sell and/or by executing power of attorney and/or will or in any other manner for purported non-agricultural use, the rights and interest of such person in the said land or holding or part thereof.as the case may be, shall be liable to be terminated and the officer authorised by the State Government in this behalf, shall, after affording an opportunity of being heard to such person and recording reasons in writing for doing so, order for termination of his rights and interest in such land and thereupon the land shall vest in the State Government free from all encumbrances and be deemed to have been placed at the disposal of the local authority under section 102-A and shall be available for allotment or regularization by the local authority for any permissible non-agricultural purposes in accordance with the rules local allotment made, or Patta given, by a Housing Co-operative Society or on the basis of any having possession over such land or part thereof, as the case may be, on the basis of document of sale or agreement to sell or power of attorney or a will or any other document purporting transfer of land to them either by person whose rights and interests have been to be terminated under this sub-section or by any person claiming through such person, subject to the payment to the local authority of urban assessment or premium or both leviable and recoverable under sub-section (4):]

Provided that-

[4][(i) nothing in this sub-section shall apply to any land in respect of which any allotment has been made or patta given by a housing Co-operative Society aftr 16th June 1999.]

[5][(ii)] nothing in this sub-section shall apply to any land belonging to deity, Devasthan Department, any public trust or any religious or charitable institution or a wakf;

[5][(iii)] no proceedings or orders under this sub-section shall be initiated or made in respect of lands for which proceedings under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976), the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Act No. 11 of 1973) and the Rajasthan Land Reforms and Acquisition of Land Owners Estate Act, 1963 (Act No. 11 of 1964) are pending.

[6][(9) Any person aggrieved by an order of an officer or authority made under this section may appeal within thrity days from the date of such order to such officer not below the rank of Collector as may be authorised by the State Government in this behalf, who shall, as far as practicable, disposed of such appeal within a period of sixty days from the date of its presentation and if he is unable to dispose of the appeal within the aforesaid period, he shall record reasons therefore. An order passed under this sub-section shall be final.

Explanation.- For the purposes of this section.-

(a)"Local Authority" in relation to a local area, means an authority constituted or designated for, or entrusted with the function of, planned development of that area and includes an Urban Improvement Trust constituted under the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) the Jaipur Development Authority constituted under the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), the Jodhpur Development Authority constituted under the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009) or a Municipality constituted under the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009

(b) "Urban Area" means an area falling within Jaipur region as defined in clause (8) of section 2 of the Jaipur Development Authority Act, 1982 (Act Noi. 25 of 1982), Jodhpur region as defined in clause (8) of section 2 of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009) or a municipal area as defined in clause (xxxix) of section 2 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) or an area specified as such in a notification issued under section 3 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) or an area for which a local authority is constituted or designated under any law for the time being in force;

(c) "Urbanisable limits" means the urbanisable limits indicated in the master plan or master development plan of a city or town prepared under any law for the time being in force and where there is no master plan or master development plan, the outer limits of the municipal area;

(d) "Peripheral belt" means the peripheral belt indicated in the master plan or master development plan of a city or town prepared under any law for the time being in force and where there is no master plan or master development plan or where peripheral belt is not indicated in such plan, the area as may be notified by the State Government from time to time.]

[1] Ins. by Sec. 3 of Raj. Act No. 47 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 27-12-1958.
[2] Inserted by Rajasthan Act No. 17 of 2014 dated 07-10-2014.
[3] Added by Rajasthan Act No. 12 of 2012 dated 02-05-2012.
[4] Inserted by Rajasthan Act No. 9 of 2022 dated 06-04-2022.
[5] Renumberd by Rajasthan Act No. 9 of 2022 dated 06-04-2022.
[6] Added by Rajasthan Act No. 12 of 2012 dated 02-05-2012

Section 90B.

[1][: deleted]

[1] Deleted by Rajasthan Act No. 12 of 2012 dated 02-05-2012.

Section 91. Unauthorlsed occupation of Land

(1) Any person who occupies or continues to occupy any land without lawful monthly shall be regarded as a trespasser and may be summarilyevicted there frombythe Tehsildar atanytimeof his motion or upon the application of a local authority at whose disposal such land has been placed, and [1][any crop standing, or any} building or other construction erected. or anything deposited on such land shall, if not removed with in such reasonable time as the Tehsildar may from time to time fix for the purpose, be liable to be forfeited to the State and to be disposed of in the case of any such crop, in the manner he thinks fit and in other cases] as the Collector may direct:

Provided that the Tehsildar may in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall further be liable to pay, for 'each agricultural year during the whole or any part where of has been in such unauthorized occupation of the land, a penalty which may extend to fifty times the annual rent, or assessment, as the case may be, for the first act of trespass. In the case of each subsequent ad of trespass, he shall by the order of Tehsildar, be liable to commitment to civic person for a term which may extend to three months and to

pay penalty to the extent as aforesaid. The amount of such penalty shall be recovered as an arrear of land revenue, and]

(3) Where the trespasser ordered to be committed to civil prison under subsection (2) satisfies the Tehsildar by whom he is ordered to be committed to civil prison that he intends to present an appeal, the Tehsildar shall order that such trespasser be released on his own bond for such periods will afford him sufficient time present the appeal and obtain stay order from the Appellate Court and such order shall so long as he is so released on bond be deemed to be suspended]

(3A). Before taking proceeding for eviction under sub-section (2) the tehsildar shall cause to be served in the prescribed manner on the person reported to be occupying or continuing to occupy land without lawful authority, a notice specifying such land and selling on him by a certain date either to vacate such land or to appear and show-cause why he shoud not be a evicted there from.

(4) In any of the following cases, namely.-

(i) where the trespasser does neither vacate the land not make appearance in response to the notice issue under sub-section (3), or

(ii) where in response to such notice, the trespasser does not vacate the land and makes appearance but-

(a) does not show any such cause, or

(b) makes any representation which is rejected after such inquiry and hearing as may be necessary in the circumstances of the case, the Tehsildar shall, unless, in the case covered by clause (ii) the trespasser under-takes to vacate the land within a week's time-and vacates it whine such time order the removal of the trespasser from such land and shall remove or depute any person, to remove him therefrom and take possession thereof; and if the Tehsildar or the person so deputed is opposed or !impeded in taking possession of such land, the Tehsildar shall apply to a Magistrate having jurisdiction and such Magistrate shall enforce the surrender of the land to the Tehsildar.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Tehsildar may, in case any such land belongs to the category specified in clause (ii) of the proviso to Section 97, sell it, with the approval of the Sub-Divisional Officer, to the trespasser upon payment by him of the premium therefor at the rate fixed under Section 96 and applicable to such land in addition to the assessment and penalty recoverable from him under sub-section (2) in respect of the whole period of unlawful occupation

(6) Notwithstanding anything contained in sub-section (2) -

(a) whoever occupies any land without lawful authority or, having occupied such land before corning into force of the Rajasthan Land Revenue (Amendment) Act, 1992, fails to remove such occupation within fifteen days from the date of service of a notice in writing calling upon him to do so by the Tehs!Idar shall, on convich`on, be punished with simple imprison- ment which shall not be less than one month but which may extend to three years and with fine which'may extend to twenty thousand rupees; and

(b) whoever, being an employee of the State Government specifically entrusted by an order of the Collector in writing with the duty to stop or prevent an offence punishable under this sub-section wilfully or knowingly neglects or deliberately omits to stop of prevent such offence, shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both :

Provided that, in the case of an offence under clause (a), the court may for any adequate or special reason to be mentioned in the judgment impose a sentence of imprisonment for a term of less than one month :

Provided also that no investigation of an offence under clause (a) of this sub section shall be made by an officer below the rank of a Deputy Superintendent of Police :

Provided further that no court shall take cognizance of an offence under clause (b) except with the previous sanction of the Collector.

Explanation - For the purpose of this sub-section, "Land" means -

(i) a pasture land as defined in the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955); and

(ii) land redefined in sub-clauses (iii) and (iv) of clause Ca) of Section 103 including land appurtenant to a public well, Nadi, Johad and Talab.]

[1] Amended vide Sec. 6 of the Raj. Act No. 4 of 1976, Pub. in Raj. Gaz. Part 4(Ka) Ex-ord., dt. 24-1-1976 on Page 85.

Section 92. Land may be set apart for special purposes

(1) Subject to the general orders of the State Government, the Collector may set apart land for any special purpose, such as, for free pasturage of cattle, for forest reserve, for development of abadi or for any other public or municipal

purpose; and such land shall not be used otherwise than for such purpose without the previous sanction of the Collector.

[1][(2) xxx]

[1] Omitted by Section 8 of Rajasthan Act No. 33 of 1959, Published in Raj. Gaz. Part IV-A, Ex.-ord., dated 30-6-1959.

Section 93. Regulation of use of Pasturage

The right of grazing on pasturage land shall extend only to the cattle of the village or villages for which such land has been set apart and shall be regulated by rules made by the State Government.

Section 94. Powers to regulate control and management of forest growth

(1) The State Government may, with a view to preventing deforestation, make rules regulation to control and management of the forest-growth on the land of any estate or village and the exercise of any right of user over such forest growth and may attach to the beach of such rules a penalty not exceeding one thousand rupees or, if the breach be a continuing one, penalty not exceeding hefty rupees for each day during which such breach continues :

Provided that the penally prescribed in the rules shall be imposed only by a criminal court of competent jurisdiction

(2) Such court may direct that the whole or any part of any sum recovered under the rules made under sub-section (1) shall be paid as compensation to any person or persons to whom loss or injury has been caused or that it shall be expended in such manner, the Collector may deem fit for the benefit of the forest-growth.

(3) The court referred to in proviso to sub-section (1) may confiscate and sell any timber or other forest produce cut or removed in contravenh`on of any rule made under sub-section (1), and may apply the proceeds of the sale to either or both of the purposes mentioned in sub-section (2).

(4) If an estate holder or any other person is guilty of any material violation of the rules made under sub-section (1), the Collector may, unless he is satisfied that such estate-holder or other person has taken reasonable precautions to prevent such violation and after full inquiry and after giving to the estate- holder or other person, a reasonable opportunity of being heard -

(a) Proclaim that the forest-growth of the estate or vi//age will be protected by the State Government, or

(b) issue notice to such estate-holder or other person to show cause, within a reasonable time to be specified in the notice, why he should not be excluded from the possession of the forest land.

(5) Until the proclamation made under sub-section (4) clause (a) is with-drawn, it shall be unlawful for any person to cut, or cause to be cut, for sale or for conveyance or use outside the village .area, any timber or brushwood, save with the previous sanction of the Collector and in the manner and to the extent permitted by him.

(6) If insufficient cause is shown against an order under sub- section (4) clause (b), the Collector may exclude such estate- holder or other person from the possession of the forest land and assume the direct management thereof for a term to be fixed by him :

Provided that the gross income of the land, of which the direct management is so assumed shall be paid by the Collector to the estate-holder or other person entitled thereto after deducting therefrom such amount by way of expenditure 'Irncflrred in such management as may be determined by the Collector after given theestate-holder or other person, a reasonable opportunity of being heard.

(7) No lease lease, lien, encumbrance or contract to the forest land held under direct arrangement, shall be binding upon the State Government.

Section 94-A. Roadside trees

(1) All roadside trees which have been planted and reared by or under the order of, or at the expense of the State Government and all trees which have been planted and reared at the expense of local funds by the side of any road which vests in the State Government, shall vest in the State Government.

(2) In the event of such trees dying or being blow down or being cut down by order of the Collector, the timber shall be the property of the State Government.

Section 94-B. Recovery of value of trees etc. unauthorisedly appropriated

(1) Any person who shall unauthorisedly sell and appropriate any roadside tree or any portion there of or remove any other natural product thereof 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 any law.

(2) The decision of the Collector as to the value of such trees or portion or product thereof shall be conclusive.]

Section 95. Development of abadi

(1) The State Government may make mies for the reservation of lands l[W be set up art for the development of aha di, for the allotment of Nazul lands and lands so set a pan for any payments to be ma-de in respect of such lands and for the declaration of .the rights of such allottees.

(2) No person shall occupy any land in the "abadi" area [1][x x x] without first paying therefore such sums-by way of premium as may be fixed under this Act.

(3) Complete rights in the abadi land may be acquired only by the paying such premium.

(4) Nothing in this section shall apply to land in the abadi area [x x x] which is in the lawful occupation of any person at the commencement of this Act.

(5) Where at the commencement of this Act, any person is in occupation of some land in the abadi area 1[(x x x] with limited rights, he may acquired full pa?prs'etasy right over such land upon payment of such premium, as may be fixed under this Act.

(6) Any person who after the commencement of this Act occupies any land in the abadi area otherwise than in accordance with the provisions of sub section (2) or any mies made under sub-section (1) or without proper authors makes any construction on such land separately or by way of extension of a previously exis/s`ng bus'Ws'ng or construct son of his adjoining land or who after such commencement makes otherwise than under proper authority any cons/motion on any land referred to son sub-section (5) or on such land and other land son his occupation lawfully or otherwise shall be regarded as a trespasser & dean with, as is he were a person occupying or conts.nus`ng to occupy land without lawful authority.

(7) The provisions of Section 91 shall apply to the person, land and construction referred to in sub-section (6) :

Provided that -

(i) The powers exercisable by a Tehsildar under sub-secs. (1), (2), (3) and (4) of Sec. 91 shall be exercised by him, in the case of any land in the abadi [xxx] or any land set apart for free pasturage of cattle or for development of abadi or for any other public or municipal purpose, which has been placed at the disposal of a local authority [2][under Section 102-A] or otherwise upon application made to him by such local authority [2][or suo moto, and where the Tehsildar proposes to act suo moto, he shall give notice of such intention to the local authority concerned].

(ii) the assessment and penalty imposed under these sub-sections upon the trespasser Shel/be credited to the fund of such local authority, and

(iii) the powers exercisable by a Tehsildar under sub sech`on (5) of Section 91 shall be exercised in case of any such land placed at the disposal of a local authority as aforesaid itself without the approval of any officer.

[1] Subs. & omitted by Sec. 9 of the Rajasthan Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959.
[2] Inserted, vide Sec. 10 of the Rajasthan Act No. 18 of 1963, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 12-10-1963.

Section 96. Collector to fix rates of premium

(1) The [1][State Government} may, by notification in the official Gazettej, fix and may from time to time similarly revise, the rates of premium to be charged [for Nazul and other lands} within the "abadi.' area [x x xj.

(2) Such rate shall be fixed consistently with rules made under this Act having regard to the site value of the|and and different rates may be fixed for different areas in the same village [town or city} or group of villages [towns or cities].

[1] Subs., Ins. & omitted by Sec. 10 of the Rajasthan Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959.

Section 97. Auction of abadi land

In all cases where there are more than one applicant for the same piece of land in the abadi area [1][x x x], it shall be sold to the highest bider at a public auction :

Provided that -

(a) It shall be open to the Collector to refuse the highest bid for reasons to be recorded;

(b) small strips of land adjoining existing buildings shall, with the previous sanction of the Sub-Divisional Officer, be given at the rates fixed under sub-sections (1) and (2) of Section 96; and

(c) auctions under this sec hon shall be regulated by rules made by the State Government in this behalf.

[1] Omitted by Sec. 11 of the Rjaasthan Act No. 33 of 1959, published in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959.

Section 98. Land granted for receptacles of household refuse, etc. and for storing fodder

(1) Subject to rules made by the State Government in this behalf; the Sub-Divisional Officer may grant in villages [1][towns or cities] free of premium or rent land of such dimensions as may be prescribed to serve as receptacles for the household refuse, stable little and cattle dropping andother rubbish and manure, and for storing fodder for cattle:

Provided that -

(i) Such land shall not be claimed as matter of right, and shall be provided only if it is available [2][xxx];

(ii) the Collector shall have the right to resume any such land without paying any compensation;

(iii) the preson to whom land may be granted shall not have any right of transfer by exchange, mortgage, sale, gift or bequest therein; and

(iv) the person to whom such land is granted shall abide by the orders passed under the provisions of this Act or any rules made thereunder.

(2) The land granted under sub-section (1) may be resuped under the orders of a revenue officer no below the rank of a Tehsildar, if and when, the person to whom it has been granted [3][xxx] contravenes any of the provisions of this section or the rules made thereunder.

Provided that on resumption of land granted under sub-section (1), the revenue officer not below the rank of a Tehsildar finds that contravention of provisions of this section or rules made thereunder is of such nature that has rendered the land of no use except for residential purpose, he may, with the prior approval of the State Government, allot such land to the person to whom it has been granted, upon payment of premium therefor at the rate fixed under section 96 and on payment of penalty as may be prescribed.

[1] Omitted by Sec. 11 of the Rajasthan Act No. 33 of 1959, Published in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959.
[2] Ins. & Omitted by Sec. 12 - Ibid.
[3] Omitted by Sec. 11 of the Rajasthan Act No. 33 of 1959, Published in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959.

Section 99. Right to regulate the construction of a building in a village

The State Government may, by rules made under Act, regulate the construction, maintenance, demolition, repairs and extention of houses and other buildings in such villages or towns for which no local authority has been established.

Section 100. Sale of land in Industrial and Commercial Areas

The State Government may make rules regulating sales of lands in indusrial and commercial areas and may also impose an annual assessment of such lands, wherever necessary.

Section 101. Allotment of land for agricultural purposes

[1] [(1)Save as otherwise provided elsewhere by this Act, lands for agricultural purposes shall be allotted by such authority and in such manner as may be prescribed by rules made by the State Government in this behalf.]

(2) All allotment of land under this section shall be subject to the payment of rent fixed at such rates as may be fixed according to custom or by usage or any law on the subject.

[2][(3) XXX deleted XXX]

(4) If there be more than one person requiring the same land, the allotment shall be made in the following order -

(i) to co-sharer of the holding if it forms part of a compact block or is irrigated fromthe same source, perference amongst such co-sharers being given to one having land less than the area prescribed by rules made under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955);

(ii) to persons residing in the village in which land be situated, preference amongst such persons being given to persons having no land or less than the area prescribed by the said rules;

[3][(iii) by drawing lots:]

Provided that the area so taken together with the area held by him does not exceed the area prescribed by the said rules.

[1] Subs. vide Rajasthan Act No. 20 of 1970 (dt. 3-12-1970).
[2] Deleted the following sub-section (3) by Rajasthan Act No. 2 of 1997 - Pub. in Raj. Gaz. - EO-dated 26-3-97, Page 138(1) -
[3] Substituted by Part B of the First Schedule to Rajasthan Act No. 2 of 1958, Published in Raj. Gaz. Part IV-A, Ex.-ord. dt. 13-1-1958.

Section 102. Power of Government to allot land for purposes other than agricultural as well as on special terms

Notwithstanding anything hereinforce contained the State Government shall have power to allot land for the purpose

of an industry or for any purpose of public utility on such conditions as it deems fit.

Section 102.A. Land which may be entrusted with Local Authorities

[1][Any Nazul land or land set apart under Section 92 may be placed by the State Government at the disposal or a local authrotiy having jurisdiction and such local authoritty may take over with the land so placed at its disposal for and on behalf of the State Government, or may use the same for the special purpose for which it has been set apart, to such extent and subject to such conditions adn restrictions as the State Government may, from time to time, lay down and in such, manner as it may, from time to time prescribe.]

[1] U.I.T. Bikaner v. Kadumal alias Koda Ram, ILR (1971) 21 Raj. 1170; Chauthmal v. State, ILR (1971) 21 Raj. 1332 : 1971 WLN 213.

Section 103. Land and Abadi defined for the purposes of Chapter VI

For the purpose of this Chapter, unless the subject or context otherwise requires -

(a) "Land" means land belonging to all or any of the following categories -

(i) Land as defined in clause (24) of Section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955),

(ii) Land acquired under the provisions of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953) .for the purpose of Government or a local authority or an educational institution while such land remains the properly of Government or such local authority or educational institution, asthe case may be,

(iii) Land surveyed and recorded, whether before or after the commencement of this Act, during any proceeding relating to sunny and preparation of records or otherwise belonging to the Government, or a local authority, which is used for any public purpose such as a road or pathway,

(iv) Land surveyed and recorded as aforesaid for the use of the community such as goober, cremation-ground or graveyard,

(v) Land in possession `of the Govemment or a local authority obtained by transfer or otherwise,

(vi) Nazul land as defined in clause (iv) of Section 3, and

(vii) Land within the abadi area vesting in a local authority or land reserved and set apart for special purposes under Section 92, and inclues benefits toarise out ofsuch land and things attached to the earth or permanently fastened to anything attached to the earth; and

(b) "abadi" or "abadi area"or "abadi land" means the population area of a village, town or city and includes the site of such village, town or city, land reserved and set apart under Section 92 for the development of abadi therein and land held therein for building purposes whether a building has been constructed thereon or not.

Section 104. Cases in which power of Revenue Officers may beexercised by local Authorities

Where [1][any nazul land or land] in the abadi of a village or town or any land set apart for free pasturage of cattle or for development of abadi or for any other public or municipal purpose has been placed at the disposal of a local authority [under Section 102-A] or otherwise; the powers exercisable under Section 97 or Section 98 by a Collector or other revenue officer shall be exrcised exclusively by the local authority concerned in accordance with rules made by the State Government in this behalf.

[1] Subs. by Sec.15 of Raj. Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 30-6-1959.

Section 105. Rights of tenants under Section 31, Rajasthan Act 3 of 1955, not affcted

Nothing in Sections 95, 96, 97, 98 and 102, shall in any way affect, take away or abridge the right conferred on tenants by Section 31 of the Rjaasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), to possess in the baadi of a village a site for a residential house free of charge.

Section 106. Survey or re-survey

The State Government may direct, by notification in the [1][official Gazette] that the survey or re-survey of any local area shall be made and every such local area shall, from the date of the said notification be hald to be under survey and record operations until the issue of another notification declaring such operations to be closed therein.

[1] Subs. vide Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 13-1-1958.

Section 107. Record Operations

The State Government may likewise direct, in respect of any local area which has already been surveyed, that a general or partial revision of he records of such local area shall be made and thereupon such local area shall be held to be under record operations until such operations are similarly closed.

Section 108. Record Officers

The State Government, upon the issue of a notification under Section 106 or Section 107 -

(i) shall appoint an Additional Land Records Officer to be incharge of the operations referred to therein, unless a permanent Additional Land Records Officer shall have been appointed to the area brought under such operations, and

(ii) may appoint as many Assistant Land Records Officers as it may deem fit.

Section 109. Mode of conducting operations

The operations referred to in Sections 106 and 107 shall be in charge of the Director of Land Records and shall be conducted in the manner prescribed by the State Government.

Section 110. Assistance in survey of boundaries

(1) When any area is under survey and record operations, the Land Record Officer shall issue a proclamation informing all estate-holdres and tenants of such area that they are bound to render such assistance as may be required of them in the survey of theboundaries of the village as well as the boundaries of the fields therein.

(2) The Land Record Officer may isue a proclamation directing all estate-holders and tenants of the area under survey and record operations to erect within fifteen days such boundary marks as he may think necessary to define the limits of their village, estates or fields, and in default of their compliance within the time specified in the proclamation, he may himself cause such boundary marks to be erected at their cost.

Section 111. Decision of disputes as to boundaries

(1) In case of any dispute concerning any boundaries the Land Records Officer shall decide such dispute, so far as possible, on the basis of the exiting survey maps and where this is not possible or such maps are not available, on the basis of actual possession.

(2) If, in the course of an inquiry into a dispute under this section, the Land Records Officer is unable to satisfy himself as to which party is in the possession or it is shown that possession has been obtained by wrongful dispossession of the lawful occupants within a period of three months previous to the commencement of the inquiry the Land Records Officer shall ascertain by summary inquiry who is the party bease entitled to possession and shall then fix the boundary accordingly.

Section 112. Preparation of map and field book

In respect of every local area or part thereof under survey and record operations, the land Records Officer shall, in accordance with rules made by the State Government in that behalf, prepare for each village or portion of a village comprised in such area or part a map and a field book.

Section 113. Preparation of record of rights

In rspect of every local area under survey and record operations or only under record operations the Land Records Officer shall frame for each village or portio of a village comprised therein a record of rights.

Section 114. Contents of record of rights

The record of rights shall be prepared in such manner as may be prescribed by the State Government and shall consist of the rollowing, namely -

(a) a khewat, this is to say, a register of all estate-holders in the area under survey and record operations or under record operations, specifying the nature and extent of the interest of each and his co-sharers, mortgages in possession and persons holding land from him otherwise than as tenants, if any;

(b) a khatauni, that is to say, a register of all persons cultivating or otherwise holding or occupying land in such area, specifying the particulars required by Section 121;

(c) a register of all persons holding land in such area free of rent or revenue; and

(d) such other registers as may be prescribed.

Section 115. Inviting claims to lands appearing to have no owner

(1) When any local area is under survey and record operations or only under record operations the Land Records Officer shall mke lits of all lands in such area which appear to him to have no lawful owner and shall thereupon issue a proclaimation declaring his intention todemarcate such lands as the property of the State and inviting any person

having any claims to or over them to present, within three months from the date of such proclamation, a petition in writing setting fourth such claims and the grounds therefore.

(2) If any such petition is presented, the Land Records Officer shall decide it summarily after making such inquiry as he deems necessary.

Section 116. Procedure when unclaimed land is used for common purposes

If no claim is made to such land as is mentioned in Section 115 or if such land is decided to be the property of the State but the inhabitants of the adjoining ;village or village prove that they have there to force enjoyed the use of such land for pastural or other agricultural purposes, the Land Records Officer may assign to such village or village so much of such land as he may consider requisite for such purpose and shall mark off the remainder as, and declare it to be, the property of the State.

Section 117. Procedure when limited right over such land is established

If a clain to the exercise of enjoyment of any right, not amounting to the right of exclusive possession, in, to or over any land comprised in the proclamation issued under Section 115 is established, the Land Records Officer may assign to the claimant as his property a define portion of such land, or, with the sanction of the State Government, otherwise compensate the claimant in accordance with the provision of the Rjaasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953), and such assignment or compensation shall be held to extinguish all claims on account of such exercise or enjoyment.

Section 118. Determination and record of khudkasht land

The land Records Officer shall ascertain and determine the extent of all land as khudkasht and shall record the same as such.

Section 119. Determinatio of the abadi of a village

The Records Officer shall, in the case of every inhabited village, ascertain and determine the area to be reserved for the residence of the inhabitants thereof or for purposes, ancillary thereto and such area shall be deemed to be the abadi of such village.

Section 120. Register of villages

The Land Records Officer shall prepare in the prescribed form a list of all villages in the area under survey and record operations or under record operations, showing therein in the prescribed manner -

(a) the area liable to fluvial cultivation;

(b) the area having precarious cultivation;

(c) the revenue or rent assessed thereon and the person thorugh whom it is payable; and

(d) the area of which the revenue or rent has, either wholly or in part been released, remitted, assigned or compounded specifying the authority therefore and the conditions thereof.

Section 121. Particulars to be stated in khatauni

(1) The register of persons cultivating or otherwise holding or occupying land, prescribed by clause (b) of Section 114, shall specify as to each tenant the following particulars, namely :

(a) the nature and class of his tenure as determined in accordance with the provisions of [1][xxx] the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) [2][or any other law or enactment for the time being in force in the whole or any part of the State],

(b) the amount of premium, if any, paid by him for the acquisition of khatedari rights.

(c) the date of the khatedari parcha, and the transfers, if any, made by him, together with all particulars of such transfers.

(d) the khasra number of each field comparised in his holding and the area thereof,

(e) the annual rent payable by him,

(f) any other condition of the tenure whether containe din a written lease or not,

(g) in the case of a person other than a khatedar tenant, the number of years during which he has held the land then in his possession, and

(h) such other particulars as may from time to time be prescribed.

(2) The register shall also specify the estate-holders (if any) holding land as khudkasht in accordance with the

provisions of [1][xxx] the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) [2][or any other law or enactment for the time being in force in the whole or any part of the State] and shall state with respect to such land the number of years during which they have so held it.

[1] Omitted by Part B of the First Schedule to Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex-Ord., dt. 13-1-1958.
[2] Inserted-Ibid.

Section 122. Attestation of entries [1][xxx]

All undisputed entires in the recor of rights shall be attested by the parties interested [1][xxx].

[1] Expression "and decision ofdisputes" deleted by S. 2 of the Second Amendment Act No. 29 of1995, and the following expression also deleted : and all disputes regarding such entries, whether taken up by the Land Records Officer of his own motion or upon application by any party interested, shall be disposed of by him in accordance with the provisions of Secs. 123, 124 and 125. Pub. in Raj. Gaz. Ex-ord. 4(ka), dt. 22-11-1995, Page 125.

Section 123.

[1][xxx]

[1] Section 123 deleted by ibid. The text of S. 123 was as follows : Determination of class of tenant - (1) In case of any dispute regarding the class or tenure of any tenant, the Land Records Officer shall decide the dispute according to the principles laid down in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955). (2) In the trial of disputes under this section, the Land Records Officer shall observe the procedure prescribed under this Act.

Section 124. Procedure when rent or revenue payable is disputed

In case of any dispute regarding the rent or revenue payable, the Land Records Officer shall not decide the dispute, but shall record, as payable, for the year in which the record of right is framed, the rent or revenue payable for the previous year, unless it has been enhanced or abated by a decree order or agreement under this Act or under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1995).

Section 125.

[1][xxx]

[1] Section 125 declared vide S. 4 of the Second Amendment Act No. 29 of 1995. Pub. in Raj. Gaz. Ex-ord. 4(ka), dt. 22-11-1995, Page 125. The text of Section 125 was as follows : Settlement of disputes as to entires in record of rights- (1) All other disputes regarding entries in the reocrd of rights shallbe decided on the basis of possession. (2) If in the course of enquiry into a dispute under this section, the Land Records Officer is unable to satisfy himself as to which party is in possession, he shall ascertain by summary inquiry who is the person best entitled to possession, and shall decide the dispute accordingly. (3) No order as to possession passed under this section shall debar any person from establishing his right to the property in any civil or revenue court having jurisdiction.

Section 126. Existing records to be acted upon

Until a new map and a field book are prepared under Section 112 or until a new record of rights is framed under Section 114, the existing map, field book and record of rights, if any, shall be the map, field book and record of rights of the area concerned.

Section 127. Proceedings pending upon close of survey & record operations

When the survey and record operations, or the record operations, as the case may be, are closed by a notification under Section 106 or Section 107, all applications and proceedings then pending before the Additional Land Records Officer shall, if such officer has not been appointed permanently, be transferred to the Collector.

Section 128. Boundary disputes

All disputes concerning boundaries shall be decided by the Land Records Officer in the manner laid down in Section 111:

[1][Provided that applications in relation toboundaries of fields may be made to any disposed by the Tehsildar in cases where there eixsts no dispute as to such boundariesbut on account of the absence of proper boundary marks there is the likehood of such a dispute arising.]

[1] Added by Sec. 16 of Raj. Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 30-6-1959.

Section 129. Obligation of holders as to boundary marks

(1) Ali holders of villages, estates or fields shall be bound to maintain and keep in repair and their own cost the permanent boundary marks lawfully erected thereon, and the Land Record Officer may at any time order such holders -

(a) to erect proper boundary marks on such villages, estates or fields, or

(b) to repair or renew in such form and material as he may prescribe all boundary marks lawfully erected thereon

(2) If such order is not complied with within thirty days from the communication thereof, such officer shall cause such boundary marks to be erected, repaired or renewed and shall recover the charges incurred from the holders concerned in such proportion as he thinks fit.

[1][(3) In cases of boundaries of fields where there is no dispute as to such boundaries, action under sub-sections (1) and (2) may be zaken by the Tehsildar upon an application made to him or otherwise

[1] Subs. vide Raj. Gaz. G. IV-C,Ex.-ord., dated 28-11-1963.

Section 130. Penalty for injury to, or removal of marks

The Land Records Officer may order any person found to have w!lfully erased, removed or damaged a boundary or survey mark to pay such sum, not exceeding tiny rupees for each marks o erased, removed or damaged, as may be necessary to restore it & to reward the informer. When such sum cannot be recovered, or if the offender cannot be discovered, the Land Records Officer shall restore the mark and recover the cost thereof from such land holders of the conterminous villages, estates or fields, as the case may be, as he thinks fit.

Section 131. Maintenance of Map and Field Book

After the survey and record operations are over, the map and the field book shall be maintained by the Land Records Officer, in accordance with the rules made by the State Government in that behalf and he shall cause, annually or at such longer intervals as the State Government may prescribe, to be recorded therein all changes in the boundaries of each village or portion of a village, estate or field and shall correct any errors which are shown to have been made in such map or field book.

Section 132. Annual Registers

(1) The Land Records Officer shall maintain the record of rights and for that purpose shall, annually or at such longer intervals as the State Government may prescribe, cause to be prepared a set or an amended set, as the case may be, of the registers enumerated in Sections 114 and the registers so prepared shall be called the annual registers.

(2) The Land Record Officer shall cause to be recorde din the annual registers in the prescribed manner, all changes that may take place and any transaction that may affect any of the rihts or interests recorded.

Section 133. Report of succession and transfer of possession

(1) Every person obtaining possession by succession, transfer or otherwise of any property or other right or interest in any land or the profits thereof, which is required by this Act or any rules made thereunder to be recorded in the annual registers shall bring the fact to the notice of the village Patwari and report it to the Tehsildar of the Tehsil in which such land is situated either director through the village Patwari or Land Records Inspector, within three months from the date of which he obtains such possession.

(2) If such person is a minor or otherwise disqualified, the guardian or other person who has charge of such person's property shall make such report.

Section 134. Fine for neglect to report

Any person neglecting to make the report required by Section 133 shall be liable to a fine not exceeding rupees ten.

Section 135. Procedure on report

(1) The Tehsildar, on receiving such report or upon the fact coming otherwise to his knowledge, shall make such inquiry as appears necessary and in undisputed cases, if the succession or transfer or other acquisition appears to have taken place, shall record the same in the annual registers.

(2) If the succession or transfer or other acquisition is disputed, the Tehsildar shall, if competent under this Act or any other law for the time being in force decide such dispute according to law and if not so competent, refer the dispute to any other officer so competent for decision.

Section 136. Correction of errors

[1][The land Records Officer may, at any time, correct or cause to be corrected in the prescribed manner any clerical errors and any errors which the parties interested admit to have been made in the record of rights or register, or which a REvenue Officer may notice during the course of his inspection in any Register:

Provided that when any error is noticed by a Revenue Officer in any record of rights during the course of his inspection, no error shall be corrected unless a notice to show cause has been given to the parties.]

[1] Subs. for the following by Sec. 5 of the RLR (Second Amendment) Act, 1995 (Act No. 29 of 1995), pub. in Raj. Gaz. E.- 4(ka) dated 22-11-95, page 125. 136. Decision of disputes - All disputes respecting the class of tenure of any tenant or regarding the rent or rev. payable or reg. entries in

annual aregisters shall bedecided in accordance with provisions of Sec. 123 or 124 or 125, as the case may be.

Section 137. Succession to estates

Notwithstanding anything contained in this Act succession to, and transfer of an estate shallbe governed and regulated by and be determine din accordance with the law, usage or pratice of the local area in which such estate lies, and such law, usage or practice shall notwithstanding the provisions of Section 263, continue in force for the purpose aforesaid.

Section 138. Inspection of records

All maps, field books and registers prepared under this Act, shall be open to public inspection free of cost at such hours, at such place and on such conditions as the State Government may prescribe.

Section 139. Copies of entries

The patwari shall, when so required, prepare and issue copies of entries from the registers and records maintained under this Chapter on payment of such copying fees as may from time to time be prescribed by the State Government and such copies shall be attested in the prescribed manner.

Section 140. Presumption as to entires

All entires made in the record of rights shall be presumed to be true until the contrary is proved.

Section 140.A. Procedure in disputes relating to khudkasht entries

(1) Notwithstanding anything contained in Sections 125 and 136, where a dispute arises as to the correctness or otherwise of any entry in the record to rights relating to Khudkasht in respect of any Bir or Jore which was used by a Jagirdar as a grass preserve and let cut for grassing either after the grass was cut or removed or before, with or without any grassing fee, the decision of such dispute shall be based on possession of the particular piece of land as Khudkasht in accordance with the provisions of the law for the time being in force regulating and governing the allotment and demarcation of land as Khudkasht:

Provided that no such entry shall be liable to be called in question if the total area of Khudkasht in the possession of the Jagirdar does not exceed twice the minimum area prescribed for the purpose of clause (a) of sub-section 91) of Section 180 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

(2) An application or proceeding under sub-section (1) for the correction of an entry relating to Khudkasht made in the record of rihts on or before the commencement of the Rajasthan Land Revenue (Amendment) Act. 1959, may be presented or started within five years from the date of such commencement and not later].

Section 141. Decisions to be binding on revenue courts

Subject to the provisions of sub-section

(3) of Section 125, all decisions under this Chapter in cases of dispute shall be binding on all revenue courts in rspect of the subject-matter of the dispute unless such dispute be with regard to the rent or revenue payable by a tenant.

Section 141A. Definitions

For the purpose of this Chapter, unless the subject or context otherwise requires -

(a) "abadi area" has the meaning assigned to it by clasue (b) of Section 103;

(b) "land" has the meaning assigned to it by clause (a) of Section 103;

(c) "owner" includes -

(i) the person having permanent interest in any land or premises, or

(ii) an agent of or a manager on behalf of, such, person, or

(iii) a trustee of such person, or

(iv) a body corporate in which any land or premises is vested for the time being, or

(v) the occupier for the time being of any land or premises;

(d) "preises" means any land or building described as such in any record prepared under this Chapter or in any other previously exiting record; and

(e) "survey" includesidentification of boundaries and all other operation antecedent to, or connected with, sruvey.

Section 141-B. Power to order survey

(1) The State Government may whenrever it thinks fit, order, by notification in the official Gazeette, that a survey shall be made of any abadi area within the State or any part of such abadi area and every such abadi area or part thereof shall thereupon be deemedto be under survey.

(2) The State Government may, by the same or a subsequent notification, direct that a local autthority having jurisdiction over such abadi are or part thereof shall be in charge of the survey to ordered.

(3) A local authority in charge of such survey, shall, in relation thereto, exercise powers and perform such duties under this Chapter or otherwise as may be led in the notification referred to in sub-section (2).

(4) Where no local authority is directed to be incharge of any survey ordered under sub-section (1), the Collector of the district shall be in charge of such survey.

(5) A survey order under sub-section (1) shall be conducted in the prescribed manner by an officer not below the rank of an Additional Land Records Officer to be appointed by the State Government; and such officer is hereinafter referred to as the officer conduting the sunny.

(6) The State Government may appoint as many Assistant Records Officers and other officers and servants as it may think necessary to assist the officers appointed under sub-sech`on (5) to conduct the survey.

(7) Every officer or servant appointed under sub-section (6) shall exercise such wars and perform such duties as may be prescribed or as may be delegated to by the officer conducting the survey.

Section 141-C. Entry upon land

The officer conducting the survey shall, for the purposes of this Chapter, have power, either by himself or by other officers or servants employed in the sunny, to enter, between the hours of sunrise and sunset, upon any land or premises within the abadi area or part thereof under sunny, without ing liable to any legal proceedings what so ever on account of such entry or of thing done on such land or premises in pursuance of the provisions of this Chapter :

Provided that no such entry shall be made upon any land or premises which may be occupied at the time, unless with the consent of the occupier thereof, or with out previously giving the sold occupier twenty-four hours notice of the intention to so.

Section 141-D. Notice of survey may be given before hand

Before entering on any land or premises for purposes of sunny, the officer conducting the survey may cause a notice in writing under his hand to be served on the owner of the land or premises about to be surveyed and on the owners of conterminous lands or premises, calling upon them to attend either personally or by agent on such land or premises before him or before such officer as may be authorized by him in that behalf within a specified time (which shall not be less than three days after the senice of such notice) for the purposes of pointing out boundaries and of affording such information as may be needed for the purposes of this Chapter, and every person on whom such notice may be served shall be legally bound to attend as required by the notice and to give any information which may be required so far he may be able to give it.

Section 141-E. Survey may be proceeded with suer service of notice under Section 141-D

After due service of the notice issued under Section 141-D.

(i) the officer conducting the survey or any other officer or servant authorized by him in this behalf may proceed with the su ney whether the person upon whom such notice has been send are present or not, and

(ii) every such person who fails to appear or is not so present shall be bound by the results of the sunny in the same .manner and to the same extent as if the survey were made in his presence.

Section 141-F. Suney map and register

(1) The officer conducing the survey shall prepare a map of the abadi area or part thereof under sunny.

(2) Lands and premises in such abadi area of part thereof shall be shown on the map separately in the prescribed manner.

(3) To every piece of land to every premises shown separately on the map, an indicative survey number shall be assigned.

(4) The officer conducting the survey shall also prepare for the abed! area or pad thereof under survey, a register of all lands and premises therein which have been surveyed.

(5) The register prepared under sub-section (4) shall specify, in relation to each indicative sunny number assigned

under sub- section (3), the name of the person or persons appearing at the time of the survey to be the owner thereof and such other particulars as may be prescribed.

Section 141-G. Erection of boundary marks

The Officer conducting the survey may at any time cause to be erected, on any land which is lo be or has been, surveyed under this Chapter, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient for the purpose of the survey :

Provided that no permanent boundary marks shall be erected when the boundary is defined by a permanent building, wall or fence.

Section 141-H. Maintenance of temporary boundary marks

(1) When any tem- porary boundary mark hasbeen erected under Section 141-G, the officer conducting the sunny may cause a notice in writing under his hand lo be served on the owner of the land or premises whereon, or adjoining which such boundary mark is situate, grinning him to maintain and keep in repair such boundary mark till the survey had been completed

(2) Should such owner nor comply with such notice, the officer conducting the survey may repair the boundary mark and the expense incurred in doing so shall be recoverable from such owner as an arrear of land revenue.

Section 141-I. Disputes as to boundaries

(1) if the course of a survey this Chapter a dispute is found to exist as lo the boundaries of any land or premises to be surveyed, an inquiry shall be held by an Assistant Records Officer authorized in this behalf for the purpose of determining such dispute.

(2) Such Assistant Records Officer shall cause a notice in writing under his hand to be served on the parties concerned requiring them to appear before him, inperson or by an authorized agent, on a specified day and to produce evidence of possessions the land or premises in dispute.

(3) On the specified day or on such other day to which the hearing may be adjourned the Assistant Records Officer shall hear the parties, receive the evidence, produced by them respectively, consider the effect of such evidence take such further evidence as he may think necessary. and without reference torme merits of the claim of any of such parties to a fight to possess the land or pre nffses in dispute, decide which of the parties is .m possession of the said land or premises at the time of the sunny.

(4) For the purposes of the inquiry aforesaid the Assistant Records Officer shall have power to summon and enforce the attendance of mossies and compel production of documents by thesame means and in the same manner asia provided in the case of a court under the Code of Civil Procedure, 1908 (Central Act V of 1908).

(5) After the inquiry has been completed the Assistant Records Officer shall pass an order in writing defining clearly me subject to dispute and recording his decision thereon and the reasons for such decision.

Section 141-J. Appeal to the Collector

Appeal shall lie from an order passed by an Assistant Records Chicer under Section 141-I to the Collector and may be preferred within thirty days from the date of such order.

Section 141-K. Power to refer to arbitration

(1) In every cases of disputed boundaries the Assistant Records Officer authorised to hold the inqui y may, on the written application of the parties, refer the dispute to one or more arbitrators nominated by the parties respectively, and shall fix such time, and allow such extension of time, as may seem reasonable for the delivery of award :

Provided that it Is appears to the Assistant Records Officer that the State Government or local authority is interested in any such dispute, he shall refuse to make such reference.

(2) To every reference made under sub-section (1) and to every arbitrator nominated thereunder, the provisions of the Arbitration Act, 1940 (Central Act 10 Of 1940) shall, so far as may be, apply.

Section 141-L. Documents connected with survey to be sent to officer or authority in charge of sunny

(1) After the survey of a bads land or part thereof under survey has been completed, the offs'car conductress the survey shall send all maps, registers, and other documents connected with such survey to the officer or authority in charge thereof.

(2) The fact of receipt of such maps, registers and other document shall be notified by such officer or authority son the oHs'cs.aI Gazette and any person interested son the survey may, at any time within two months from the date of such notification inspect such maps, registers and other documents free of charge.

(3) If during such par sod any objection to the survey is lodged with the officer or authority s'ncharge of Burley, such objection shall be decided by such officer as the State Government or, where a local authority is s`ncharge of the survey, such local authority with the approval of the State Government, may appoint in this behalf.

(4) After all objectoons lodged under sub-section (3) been decided, the officer or authority incharge of the sunny shall if necessary, cause the maps, registers and other doaments connected with the survey to be corrected in accordance with such decision and shall sub-ml, with his or its recommendation, ail papers to the Government for approval of the survey.

(5) If the State Government approves the sunny, such approval shailbe notified In the official Gazette.

Section 141-M. Maintenance of maps registers

(1) All maps, registers and other documents connected with the sunny approved by the State Government under sub section (5) of Section 141-L shall be deposited in the office of the officer or authority in charge of the sunny.

(2) All such maps, registers and other documents shall be maintained by such officer or authority in the prescribed manner.

(3) Such officer or authon'ly shah cause such maps to be revised, and the entries m such registers to be corrected, in the prescribed manner and at prescribed intervals, by such officer as may be appointed in this behalf or with the approval of the State Government:

Provided that no person shall be required for the purposes of such revision or lion to give notice to such officer or authority of his acquisition of any interest my land or premises.

(4) The officer appointed under sub-section (3) for the purpose of revising any map or collecting entries in any register shall exercise such power as may be prescribed.

Section 141-N. Survey fees

(1) The owner of any land or premises which has been surveyed under this Chapter shall be liable to pay to the officer or authority in charge of the survey, a survey fee at such rate, in such manner, within such time after the completion of the survey and to such extent as the State Government may prescribe and any survey fee not so paid shall be recoverable as an arrear of land revenue.

Provided that -

(a) the aggregate amount of the survey fees variable from owners of lands and in the apadi or part thereof under survey shall not exceed one third of the total cost of the survey, and

(b) no survey fee shall be payable -

(i) by the Government or by a local authority, or

(ii) in respect of any land or premises in the abadi area or pad thereof under survey exceeding in area or .value such limits as may be prescribed, or

(iii) in respect of lands or premises held exclusively for religious worship or charitable purposes.

(2) Every owenr of land or premises who has paid the survey fee under this section shall be entitled to receive free of charge, and every owner of land or premises who is not liable to ay such survey fee shall be entitled to receive on payment of such charges as may be prescribed, cetified extract fromthe map and a certified extract from the register prepared unless this Chapter so far as they rebate tosuch land or premises.

Section 141-O. Cost of Survey

Subject to the preovisions contained in Section 141-N, the cost of every survey made under this Chapter shall be met :-

(i) in case a local authority is in charge of such surveys, by such local authority, and

(ii) in other cases, by the State Government;

Provided that in the case covered by clause (i) the State Government may agree -

(a) to pay a portion of such cost out of the Consolidated Fund of the State or

(b) to advance a loan to a local authority for meeting such cost upon such terms and conditions as to rate interest, period of repayment, security and the like, as may be mutually agreed upon.

Section 141-P. Penalty for failure to comply with requisition in notice

Whoever fails to comply with a registration contained in any notice issued under this Chapter and duly served shall be liable to a fine not exceeding one hundred rupees.

Section 141-Q.

Inspection of, and copies of extracord from maps, registers and other documents referred to in sub-section (1) of Section 141-B shall be open to public inspection in such manner, within such hours, at any places subject conditions and on payment of such fees as the State Government may prescribe.

(2) Certified copiesof, or of extracts from such maps, registeres and documents shall be granted on payment of such copying fees and in such manner as the State Government may prescribed.

Section 141-R. Rules

The State Government may, by notification in the official Gazette make rules not inconsistent with the provisions of this Chapter -

(i) for the preparation of maps and registers, the form thereof, and the collection and record of information in respect of any land or premises within the abadi are under survey.

(ii) for the regulation of all proceedings to be taken under this Chapter.

(iii) for the manner of all inquiries to be made thereunder.

(iv) for the regulation of all matters which are required to be, or may be prescribed under this Chapter, and

(v) generally for the proper performance of all things to be done thereunder and the carring out of the purposes and provisions thereof.

Section 141-S. Proceedings not to be affected by informality

No proceding under this chapter shall be effected by reason of any informality, provided the provisions thereof be in substance and effect complied with and no proceedings under this Chapter shall be affectedby reason of the omission to serve and notice required by or under this Chapter to be issued and served.

Section 141-T. Presumption as to maps and entries in registers

All maps and all entries made in the registers, prepared under this Chapter, shall be presumed to be correct unless the country is proved:

Provided that no such map or entry shall affect the right, title or interest of any person to or in any land or premises or shall preclude him from enforcing such right, title or interest in a completent court in accordance with law.]

Section 142. Settlement or re-settlement

(1) The State Government may, by notification in [1][official Gazette], order any district or other local area to be brought under settlement or re- settlement, as the case may be.

(2) Every such district or other local area shall be held to be under settlement operations from the date of the notification under sub-section 91) until the issue of another notification declaring such operations to be closed therein.

[1] Substitute by Sec. 4 of Raj. Act No. 2 of 1958, Pub. on dt. 13-1-1958.

Section 143. Probable results of resettlement

When the period for which the land revenue of a district or other local area has bean settled is about to expire, the Government may cause a forecast of the probable results of re-settlement to be prepared before issuing a notification under sub-section (1) of Section 142.

Section 144. Consideration which shall determine whether re settlement shall be made

In deciding whether a district or any other focal area shall be brought re-settlement, the State Government shall consider -

(i) whether a reasonable increase or decrease of avenue is likely to result;

(ii) whether, in case there is a prospect of such an increase there are Satisfactory reasons for post ponding re-settlement.

(iii) whether the existing assessment has become uneven or is unduly severe or whether other sufficient reasons exist for entering without the prospect of a reasonable increase of revenue e upon the work of re-settlement :

Provided that an increase of revenue which will re-coup the expenditure on re-settlement in ten years shall ordinarily

be deemed to be reasonable.

Section 145. Settlement Officers

The State Government, upon the issue of a notification under sub-section (1) of Sec. 142,-

(i) shall appoint a Settlement Officer to be incharge of the operations referred to in sub-section (2) of Section 142 unless a permanent Settlement Officer shall have been appointed to the district or other local area under such operations, and

(ii) may appoint as many Assistant Settlement Officers as it may deem necessary.

Section 146. Transfer of duties of Land Records OHicer to settlement Officer

When any district or other local area is under settlement operations, the duty of maintaining the maps and filed books and preparing the annual registers may be transferred under the orders of the State Government from the Land Records Officer, to the Settlement Officer, who shall thereupon exercise all the powers conferred on the Land Records Officer by Chapter VI.

Section 147. Rules

The State Government may, by notification in the [1][Official Gazette] make rules for the procedure of Settlement Officers in settlement operations.

[1] Substituted by Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV Ext-ord., dt. 13-1-1958.

Section 148. Economic Survey

When any district or other local area has been brought under settlement operations, the Settlement Officer shall carry out an economic survey of the condition of the tenants in such district or area and in doing so shall have regard particularly to the following ters, namely -

(a) extent to which the district or area is protected by irrigation, and increase, if any, in irrigation facilities since the last settlment, if any:

(b) standard of cultivation; and increase or decrease in culrivated area since the last settlement, if any;

(c) expenses of cultivation and the cost to the cultivator of maintaining himself and his family;

(d) existence of markets in, or in the vicinity of, the district or area under settlement;

(e) means of communication and improvements, since the last settlement, if any;

(f) size of the holding;

(g) extent of indebtedness among tenants and credit facilities.

Section 149. Formation of assessment circles or groups

(1) Simultaneously with, or soon after the completion of, the economic survey referred to in Section 148, the Settlement Officer shall from assessment circles or assessments group in the district or area under settlement operations.

(2) In forming assessment circles or assessment groups, the Settlement Officer shall have regard to homogenity in respect of the matters specified in Section 148 and of the following further maters namely :-

(a) physical configuration.

(b) climate and rainfall;

(c) population and availability of labour;

(d) agricultural resources;

(e) nature of the principal crops grown, alongwith the quantity of procedure thereof as well as the prices thereof prevailing in the market;

(f) the rates at which rents are being paid for holdings; and

(g) the assessment circles or assessmen groups fromed during the last settlement, if any.

Section 150. Soil Classification

The Settlement Officer shall also divide villages in each assessent circle or assessment group formed under Section 149 into various soil classes in accordance with rules made in that behalf.

Section 151. Evolution of rent-rates

The Settlement Officer shall then involve suitable rent-rates for each class of soil in each assessment circles or assessment group, as the case may be.

Section 152. Basic of rent-rates

(1) With a view to moving at fair and equitable rent-rates under Sec. 151, the Settlement Officer shall have regard to-

(a) the collections from rent and cesses in the nature of rent during the twenty years preceding the settlement, excluding such years as the State Govemmentmay, by notification in the [1][Official Gazette] declare to be abnormal;

(b) the average of the prices of agricultural produce prevailing during the twenty years proceeding the settlement, excluding such years as the State Government may, by notification in the official Gazette], declare to be abnormal;

(c) the nature of crops grown and the average quantity of the produce;

(d) the value of such produce at the average price referred to in cl. (b);

(e) the expenses of cultivation and the cost to the cultivator of maintaining himself and his family;

(f) the area of land kept fallow each year out of each holding rotation followed and periods or rest;

(g) the frequency of remissions, suspensions and short collections;

(h) the rent-rates of the settlement, if any; and the share of procedure and commutation prices at which such rates were evolved; and

(i) the rent-rates, if any, sanctioned for similar classes of soil in the adjoining areas.

(2) The rent-rates to be evolved by the Settlement Officer shall represent such share not exceeding one-sixth of the value of produce referred to in clause (d) of sub-section (1), as may be in vague in the areas to which such rent-ratesshall relate.

[1] Substituted by Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex.-ord. dt. 13-1-1958.

Section 153. Modifications of rates

The Settlement Officer shall also record for each village whether the rent rates evolved by him therefore are applicable without modification or the extent to which they require modification either for the village as a whole or for a specified soil class therein.

Section 154. Matters to be determined and recorded

The Sett`lement Officer shall, sub/ed to any rules made in this behalf by the State Government under this Act, determine and record -

(a Whether rent shall be payable in one instalment or more,

(b) in case rent is payable in more than one instalment,-

(i) the number of such instalments, and

(ii) the proportion thereof payable in each instalment,-

(c) the date for payment of rent or each instalment of rent, as the case may be, and

(d) any other matter which he may be directed by such rules to determine and record.

Section 155. Publication and submission of proposals

(1) When rent-rates have been evolve din accordance with Sec. 152 and 153, the Settlement Officer shall publish his proposals in respect thereof, alongwith the basis of the rent-rates evolved by him, in such manner as may be prescribed.

(2) The Settlement Officer shall then give a public notice in the prescribed manner inviting objections to the proposals published under sub-section (1) within the time specified in such notice.

(3) If within the time prescribed in sub-section (2), any objections are received, the Settlement Officer shall consider them and may amend his proposals in such manner as he thinks fit.

(4) The Settlement Officer shall then submit the proposals, alongwith the objections received and the orders passed by him thereon, to the Settlement Commissioner.

Section 156. Sanction of proposals

(1) The Settlement Commissioner shall scrutinies the proposals received under Section 155 and make such inquiry into any of the matters contained therein as he may think necessary.

(2) He shall then submit the proposals to the Board along witkkis remarks and recommendations in respect thereof.

(3) On receipt of the proposals submitted under sub section (2), the Board may direct further inquiry into any of the matters contained therein.

(4) After such further enquiry, if any, as is referred to in sub-section (3), has been made or held, the Board shall submit the proposals for the sanction of the State Government either without any modification or with such modifications in the proposed assessment circles or assessment groups, soil classes and rent-rates as it may, for reasons to be recorded in writing, think necessary.

(5) The State Government may-

(i) sanction the proposals as recommended by the Board or

(ii) direct such father enquiry to be made as it may deem necessary, or

(iii) return the proposals for the reconsideration of the Board, or

(iv) sanction the proposals with such modifications as it may deem fit; and the rent-rates so sanctioned shall be the sanctioned rent-rates

C-DetermInation of Rents

Section 157. Assessment of rents

On the basis of the sanctioned rent- rates, the Settlement Officer shall proceed to asses rent payable, whether by way of abate- ment, enhancement, communication or otherwise of the existing rent, for each holding in the district or area under settlement operations.

Section 158. Land to be excluded from assessment

The SettlementOfficershaH exclude from assessment all land of the following descriptions, namely -

(i) land occupied by the buildings with their appurtenances,

(ii) permanent threshing floors;

(iii) grave-yeards, cremation grounds and play-grounds;

(iv) permanent roads and pathways; and

(v) uncu/turab/e land.

Section 159. Allowance for improvements

Where an improvement has been lawfully made in relation to, a holding by or at the cost of a tenant, the Settlement Officer shall assess the rent therefore under Section 157 in a manner so asta ensure to such tenant the enjoyment of the full benefits arising from such improvement for the period of twenty years in the aggregate, commencing from the date on which the improvement was completed, and the tenant shall not be liable during such period to any enhancement of rent for increased produce or otherwise arising from such improvement.

Section 160. Existing rent to be taken Into conslderarlon while assessing rents

In assessing the rent for the assessable area of a holding under Section 157, the Settlement Officer shall also have regard to the rent actually being paid and also to the difference between such existing rent and the valuation of the holding at the appropriate sanctioned rent-rates.

Section 161. Limits of enhancement

Where the rent for a holding assessed under Section 157 existing rent thereof, such existing rent shall not be enhanced by more than one fourth thereof subject to the conditWn that me rent so assessed shall in no case be less than three quarters of the valuation of the hoW?`ng at the appropriate sanctioned rent-rates.

Section 162. Progressive enhancement

Where the rent for a holding assessed under Section 157 read with Section 161 exceeds one- fourth of its existing rent and three-quarters of its valuation at the appropriate sanctioned rent-rates such excess shall be ordered to take effect by annual ?increments extending over a number of years not exceeding three, and the full rent so assessed shall become payable on the exp?.ry of such number of years.

Section 163. Additional provision for assessment of Chahi holdings

(1) When assessing rent under Section 157for the assessable area of a Chahi (well irrigated) holding in the manner specified in Sections 159 to 162, regard shall also be had to the areas thereof cultivated as Chahi, cultivated as dry and kept fallow each year and such rent shall be the aggregate of the rents calculated in respect of the average of the areas of the holding cultivated in respect of the average of the areas of the holding cultivated as Chahi, culh`v8ted as dry and kept fallow during the last five years at the appropriate sanctioned rent-rates respectively for Chahi, dry and fallow lands.

(2) Nothing in sub-section (1) shall apply lo. cases in which the area of any holding is found to have been intentionally kept fallow or cultivated as dry with a view to avoid the proper assessment thereof and such area shall for the purpose of assessment be deemed to have been cultivated as Chahi.

Section 164. Preparation and distribution of parchas

(1) When rents have been assessed as hereinafter provided the Settlement Officer shall cause assessment parches to be prepared for an hollings in the district or other area under settlement operands.

(2) An assessment percha for a holding shell show separate[y-

(a) the tenure of such holding,

(b) the khadra number of each field therein and its area,

(c) the soil class of each field comprised in the holding

(d) the sanctioned rent-rate for each such soil class,

(e) the rent assessed by the Settlement Officer under Section 157, in respect of each soil class in such holding.

(f) the improvements, if any, for which allowance has been made under Section 159, and

(g) the total amount of rent assessed for each holding, elongwith any adjustment or orders made under Sections 161 and 162.

(3) Evely purche so prepared shalt be made over to the tenant concerned end a copy thereof shall be supplied to the land-holder concerned, if any in theprescn`bed manner.

(4) When alt the assessment perches have been distributed in the manner law down in and under sub-section (3), the Settlement Officer shalt issue proclamation inviting objections thereto, if any.

Section 165. Interim stoppage of recovery of kind rents

(1) If, at any time after the commencement of the agricultural year during which assessment Parches are likely to be distributed under sub-section (3) of Section 164 in any district or /coal area, the Settlement Officer is satisfied that on account of strained relation & between land-holders and tenants in such district or area or for any other sufficient reason, It is expedient to stop the recovery of rents in kind therein, he may make a recommendation in that behalf to the State Government.

(2) The Settlement Commissioner shall submit the recommendation of the Settlement Officer to the State Government with such remarks as he may deem fit.

(3) The State Go .movement may accept the recommendation or pass such order thereon as it may deem fit.

(4) The order of the State Government under sub section (3) stopping the recovery of rents in kind in any district or local area shall be published in the prescribed manner and shall direct-

(a) that no land holder in such district or area shall recover rent in kind for the commencement of the agricultural year during which the orders is made, and

(b) that, pending the determination of cash rents under Section 166, a land holder in such district or local area may, in lieu of the rents in kind recover such cash rent for each holding as may be stated in the assessment parcha to be the total amount of rent assessed therefore :

Provided that the cash rent so recovered shall be liable to adjustment in accordance with the rent finally determined under Section 166.

(5) An order stopping the recovery of rents in kind under this section shall be passed only if such rents for the Kharif harvest of the year in which it is passed have not been realized.

Section 166. Hearing of objections and determination of rent

If the tenant or the land-holder presents and objection within thirty days of the issue of proclamation under sub-section (4) of Section 164, the Settlement Officer shall hear it, dispose of it in accordance with law, and, after

recording his order, determine of the holding.

Section 167. Rent from what date payable

Subject to the provisions of Section 165, the rent determined by order of the Settlement Officer under Section 166 shall be payable from the date of commencement of the term of the settlement unless the Settlement Officer thinks fit, for any reasons, to direct that it rent shall be payable from some earlier date.

Section 168. Option to tenant to refuse rent determined

Any tenant for whose holding rent has been determined by order of the Settlement Officer under Section 167 may, within thirty days from the date of such order, refuse in writing to accept the rent determined.

Section 169. Effect o refusal

(1) Upon such refusal the tenant shall forthwith vacate the holding.

(2) If he does not so vacate the holding, he shall be deemed to be a trespasser and shall be liable to ejecment therefrom in accordance withthe provisions of section 183 of Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

Section 170. Offer of holding to other persons

Upon the vacation of or ejectment from a holding under Section 169; the same shall be available for and may be offered to another person for being dmitted as the tenant thereof in accordance with law.

Section 171. Procedure upon non-refusal

If the tenant does not refuse the accept the rent in accordance with the provisions of Section 168, he shall be demeed to have accepted the rend determined under Section 166 and shall be liable to pay the same in accordance with Section 167.

Section 172. Rent not liable to variation during currency of settlement

The rent of a holding fixed by order of the Settlement Officer under Section 166 shall not be liable to variation during the term of the settlement laid down in or fixed under Section 175, otherwise than in accordance with the provisions of this Act or of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

Section 173. Preparation of Dastoor Ganwai

(1) The Settlement Officer shall prepare a Wajib-ul-arz or Dastoor Ganwai for each village in the distinct of other local area under settlement operations.

(2) The Settlement Officer shall, subject to rules made under this Act, ascertain and record son each such Wajib-uI-au or Dastoor Ganwai -

(a) all ceases which are still payable by tenants of the village concerned on account of the occupation of land in addition to rent under the appellations by which they are known;

(b) the customs son the vs'liege concerned son regard to-

(i) rights of persons resident therein or holding lands comprised therein son the common land thereof and us produce and in the village site, and

(ii) rights to irrs`.gats.on, rights of way and other easement,

(c) any rights, customs or other matters concerned with the administration of the village which may be required by rules made under this Act or otherwise by the State Government to be ascertained and recorded in the Wajib-ul-arz or Dastoor Ganwai.

(3) When the Wajib-uI-arz or Dastoor Ganwai is ready, the Settlement Officer shall fix a date and time for reading it out to the inhabitants of the village concerned and shall nerdy such date and time at least seven days before the date so fixed in the prescribed manner.

(4) On the date and at the time fixed 'under sub-sech.on (3), the settlement officer shall read out or cause to be read out to the villages assembled for the purpose the Wajib uI-arz or Dastoor Ganwai prepared under sub-section (1).

(5) If any person raises an objection to anything contained in the Wajib-ul-arz Dastoor Ganwai while it is being read out under sub-section (4), the Settlement Officer shall record and decide such objection and his decision shall be final.

Section 174. Presumption of settlement entries

All entries in the Wajib-ul-arz or Dastoor Ganwai prepared under Section 173 shall be presumed to be true until the contra y is proved.

Section 175. Term of Setlement

The term of every settlement made under this Act shallbe twenty years:

Provided that the State Government may extend the term beyond twenty years, having regard to he pressure of the population on the land, the extent to which culturable area is cultivated and the fulness of the rentals:

Provided also that for special reasons to be recorded, such as a serious deterioration, considerable concealment of assets or the deliberate nd extensive throwing of land out of cultivation, or for any other sufficient reasons, the State Government may sanction shorter term of settlement for any local area :

Provided further that in the case of a first settlement as well as settlement for precarious tracts and alluvial areas the State Government may sanction shorter terms and make rules for immediate revision of settlement.

Section 175-A. commencement of term of sottlement

[1] [The term of every settlement made under this Act shall commence from such date as the State Government may, by notification in the Official Gazette, direct.]

[1] Inserted by Part B of the First Schedule of Rajasthan Act No. 2 of 1958, Published. in Raj. Gaz. Part IV-A, Ex-ord., dated 13-1-1958.

Section 176. Senior terminology of settlement

(1) Notwithstanding anything contained in Section 175, when the State Government is satisfied that it is necessary to terminate before its expiry term of any settlement laid down in or fixed under that section on account of considerable and material fall in prices or on account of a considerable and material difference between. In the sand ion ed rent-rates of any area & of its neighbouring areas or where the sanctioned rent-rates of any area and of its neighbouring areas or where the sanctioned rent-rates are found on further examination to be inequitably high, or for any other sufficient reason, the State Government may, by notification in [1][Official Gazette) declare its intention of terminating the term of such settlement forthwith and stinging the area concerned under re-settlement

(2) Simultaneously with or soon after such declaration, the State Government shall, by a like notification, declare such term to be terminated and order the district or area concerned to be brought under resettlement; and thereupon the provisions of this Chapter shall apply as if such district or area were under settlement operations.

[2] [(3) & (4) xx x]

[1] Substitutedby Section 4 of the Raj. Act No. 2 of 1958, published in Raj. Gaz. Part IV-A, Ex-ord., dated 13-1-1958.
[2] Omittedby Section 2 of Rajasthan Act no. 44 of 1956, Published in Raj. Gaz. Part IV, Extra-ord., dated 31-12-1956.

Section 176-A. Interim relief during settlement opemtlons

[1] [(1) When any district or other local area is ordered to be brought under resettlement under sub-section (1) of Section 142 or under sub section (2) Of Section 176, the State Government may order s`nten`m relief to be given to the tenants thereof on such conditions as it may deem fit.

(2) When any distinct or. other local area is ordered to be brought under resettlement under sub-sects-on (2) of Section 176, the State Government may, in its discretion, also order that set shall not be necessary for the Settlement Officer to carry out the economic survey required by Section 148.]

[1] Ins. by Sec. 3-Ibid.

Section 177. Tenure of lend under expired settlement until resettlement

All persons contrasting to hold land after the exps`sy or termination of the term of a settlement shall [1][subject to the provisions of sub-section (1) of Sects-on 176-A] hold the same upon the conditions of such settlement unts'l a new settlement is made.

[1] Ins. by Sec. 4-Ibid.

Section 177A. Increase in assessment of irrigated land assessed at un-ir-rigated rates

(1) If any land held by a tenant is irrigated by canal constructed at the experience of State Government and if such land is assessed at unirrigated rates, the tenant shall, as from the date of commencement of the Rajasthan Finance Act, 1979 or from the date from which the land first gets irrigated from the canal, whichever is later, be liable to pay rent enhanced Rs. 1.50 per bigha, until a new settlement takes place :

Provided that if such irrigated land falls in the command of an irrigation project and nehri rates have been sanctioned

for other lands in the command of that project, the lowest of the nehri rates applicable in the command of that project shall be charged instead of the unirrigated rate enhanced by Rs. 1.50 per bigha as foresaid.

Explanation : For purposes of this sub-section 'bigha' shall mean an area equivalent to 5/8th of an acre.

(2) The tenant liable to pay enhanced rent under sub-section 91) may, within 30 days from the date from which he becomes liable to pay enhanced rent, refuse in writing to accept the rent enhanced by this section and, upon such refusal, the provisions of Section 169 shall apply as if the rent so enhanced were the rent determined by an order of the Settlement Officer under Section 167.

(3) The provisions of this section shall be notwithstanding anything in Section 167 or 172 or any order of the Settlement Officer under Section 166 or anything in any assessment percha or any law, rule, custom, usage or practice to the contrary.

E-Intermediate Revision

Section 178. Short term settlement

When the term of settlement fixed for any local area under the second proviso to Section 175 is less than that fixed for the entire district or other area under settlement operations, and such term expires, the Collector or, in district to which a Settlement Officer shall have been appointed, such Settlement Officer, shall assess rents for such local area in accordance with rules made under this Act.

Section 179. Settlement of land added by alluvian and revision of assessment when culturable area reduced by fluvial action

(1) Land added by alluvion to a holding may be assessed to rent by the Collector or by a permanent Settlement Officer in accordance with rules made under this Act.

(2) When the culturable area of any holding has been diminished by fluvial action or otherwise, the Collector or a permanent Settlement Officer may revise the assessment.

(3) If in the opinion of the collector or the permanent Settlement Officer, as the case may be, the value of any land in any holding is altered in consequence of its diversion from an agricultural purpose to a non-agricultural purpose or from non-agricultural purpose to an agricultural purpose since it was last assessed the assessment shall be liable to be revised .and the rent thereof shall be liable to be fixed by the Collector or the Permanent Settlement Officer with reference to the altered value of such land in accordance with rules made under this Act.

(4) No revision of assessment made under the foregoing sub-sections shall be final until it has been sanctioned by the Settlement Commissioner.

Section 180. Power of Government to levy additional urban rates

Notwithstanding a Act, the State Government may at any time, by notification in the [1][Official Gazette], direct that any urban area that may have developed in State shall be subject to the levy, In accordance with rules made under this Act, of a special urban rate in addition to rent.

[1] Subs. by Sec. 4 of Raj. Act No. 2 of 1958, pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 13-1-1958.

Section 181. Applications and proceedings pending before Settlement Officer when operations are closed

When the settlement operations in any area are closed by notification under Sec. 142, all applications and. proceedings then pending before the Settlement Officer shall, unless a permanent Settlement Officer shall, unless a permanent Settlement Officer shall have been appointed to such area, be transferred to the Collector who shall have the Powers of a Settlement Officer for the disposal thereof.

Section 182. Corrections of errors and ommissions

The Settlement Officer may of his own motion or otherwise correct any error or omission that may be discovered-

(a) in the formation of assessment circles or assessment groups, classification or soils and evolution or rent-rates at any stage before his proposals in respect thereof are sanctioned under sub-section (5) of Section 156, and

(b) in the assessment of rents of holdings at any stage before such rents and determined under Section 166.

Section 183. Review of sanctioned rent-rates

(1) Notwithstanding anything contained in the foregoing provisions or chapter or in any enactment, rule, order of instrument for the time being in force and notwithstanding any custom, usage or practice to the contrary, the State

Government may, if satisfied before the closing of settlement operations by a notification under sub- section (2) of Section 142 that the rent mies sanctioned under sub-section (5) of Section 156 by the State Government need modification of account of the discovery of any error or omission:-

(a) in the formation of assessment circles or assessment groups, or

(b) the classification of soil, or

(c) the evolution of rent-rates for any class of soil order that such canal one rent-rates reviewed by the Settlement Officer.

(2) The Settlement Officer shall thereupon proceed to frame his modified proposals in the prescribed manner and the provisions of Secs. 155 and 156 shall apply thereto.

Section 184. Partition

'Partition' means the division of a partible estate in to two or more portions, each consisting of one or more shares.

Section 185. Partible estates

All estates shall be presumed to be impartial unless proved by custom or otherwise to be partible.

Section 186. Persons entitled to swim partition

(1) Every co-sharer of audible estate may claim partition of his share in`such estate.

(2) Any number of co-shares may join in such claim.

Section 187. Application for partition

An application for partition shall contain the prescn.bedpan.culars and shall be accompanied by a certified copy of the annual register of estate holder sand by any other document son which the claim for partition is based and may be presented by one or jointly by two or more of the recorded Go-shares of an estate :

Provided that. when any share is in possession of a mortgage no application of partition by either Mortgagor or mortgagee shall be entertained unless both have fained in such application or unless either of them has been made the opposite party thereto.

Section 188. To whom application lies

Sublect to the provisions of Section 189, an application for partition shall lie and be presented to the Collector of the district in which the estate sought to be partitioned is situated:

Provided that the collector may make over such application for hearing and disposal to a Sub-Divisional Officer or an Assistant Collector sub-ordinate to him, who is for the time being empowered to hear and dispose of such application.

Section 189. Partition of an estate falling under several districts

When an estate is situated tinware more districts, the partition shall be made [1][if such districts are in the same division as the Commissioner may direct, or, if such districts are in different divjsjanS as the Board may direct]

[1] Subs. by Act No. 10 of 1987, Pub. in Raj. Gaz. Ex-ord. Part 4(A), dt. 9-4-1987, w.e.f. 31-1-1987.

Section 190. Consolidation of claims

Where several claimants have brought m separate claims tradition of the same estate, all such claimsshallbe consolidated 'for purpose of being tried together as a single claim and shall be disposed of by one judgment.

Section 191. Power to stay partition of an estate

(1) If on receipt of the application or any other state of partition, there appears to be any sufficient reason, for staying or refusing the partition of an estate, the Collector, Sub Divisional-Officer Assistant Collector to whom the application is presented or before whom the application is pending, may stay the addition and order the proceedings, to be quashed.

(2) No estate shall be so partitioned as to result in one or more estates of less such area, as may be prescribed.

Section 192. Proclamation of application for partition

The Collector on receiv- ing an application for partition shall, if it is in order & not open to objection on the face of it, or is not refused or disallowed under Sedion 191, issue a proclamation calling upon such of the recorded co- sharers in the estate sought to be partitioned as have not joined in the application to appear before him in person or by a duly authorized agent on a day, not less than thirty or more than sixty days from the date issue thereof, and to state their

objections, if any, to the partition A copy of the proclamation shall be served on each co-sharer.

Section 193. Objection raising question of title

(1) If, on or before the day so fixed, any objection is made by a recorded co-sharer, involving a question of proprieta y title, which has not been already determined by a court of competent jurisdiction, the Collector may either -

(a) Decline to grant the application the question in dispute has been deter- mined by a competent court, or

(b) require any party to the case to institute within three months a suit in the ONO court for the determination of such question, or

(c) proceed to enquire summarily into the merits of such question.

(2) When proceedings have been postponed under sub-clause (b) of sub-sec- flan (1), if such party fails ,to comply with the requisition, the Collector shall decide the question against him. If the institutes the suit, the Collector snail deal with the case in accordance with the decision of the civil court.

(3) If the Collector decides to inquire into the merits of the objection, he shall the procedure laid down in the Code of Civil Procedure, 1908 (Cen. tral Act V of 1908) for the trial of original suits.

(4) All decrees passed under sub-sectfon (3) shall be held to the decrees of a civil court and shall be open to appeal to the district judge or the High Court, as the case may be. under the rules applicable to appeals to those courts.

Section 194. Stay of partition pending decision of appeal

The appellate court may issue a precept to the Collector, schug him to stay the partition pending the decision of the appeal, whether the appeal spending from a civil court under section 193(1)(b) or from the court of the Collector under Section 193(3).

Section 195. Attachment of estate pending completion of partition

(1) At any stage of the application, the Collector may, with the sanction of the Board, attach the enh're estate and hold it under direct management pending the completion of the partition.

(2) The collections from the estate, while under such attachment, shall be applied first to the payment of the revenue and to the expenses of management and collection at the rate of ten percent of the amount collected and then to the satisfaction of other charges with which the estate or any pad thereof shall have been encumbered for the time being and the surplus, if any, will be divided amongst the co-shares in proportion to the respective shares at such times as the profits are ordinarily divisible.

Section 196. Method of trial

(1) The Collector shall direct the patwari -

(a) to mark on the map of the estate in some distinctive co|our the actual area sought to be partitioned.

(b) to show thereon the actual soil-classificat!on.

(c) to prepare necessary abstracts from his khadra (field-book) and Khatauni (record of cultivators) and other statements required for completing the partition.

(d) to prepare a list of plots, if any, held as khudkasht,

(e) to prepare a list of sub-holders, if any,

(f) to suggest a method of valuation of the plots of land sought to be partitioned,

(g) to prepare a list of trees, showing complete details as to ownership and value,

(h) to give full details of income from jungle land and other sources of income, and

(i) to prepare a list of yucca wells, showing where they are situated, whose fields they irrigate, and at whose expense they were constructed.

(2) If the Collector thinks it desirable, he may appoint a temporary assistant to the partway to enable the latter to complete the work expeditiously. The cost of the temporary assistant will be paid by the plaintiff in the first instance and will be included in the costs of the suit.

Section 197. Determlnation of principies and conditions of valuations

(1) The Collector shall than proceed to determine, in accordance with rules made by the State Govemment in that behalf, the general principles and conditions of valuation of all classes of lands comprising the estate sought to be partitioned, with a view to making a ju-st estimate of the value of the various plots therein, relatively to one another. Such value may vary not only with the area of each plot but also with the class of its soil, the facih`tiesfor in/gallon,

the nature of Itstenure, the personal qualities of its tenants and other matters affecting the value.

(2) The general principals and conditions of valuation having been settled the partway shall work out the value each plot accordingly.

Section 198. Preliminary decree for partition

(1) Upon completion of the inquiry prescribed by Section 196 the Collector shall, if he does not dismiss application at this or any earlier stage, make a preliminary order in the prescribed form, declaring the nature and extent of the share of each claimant for partition, specifying the number of portions into which the estate shall be divided and the extent of each portion, deciding all disputed questions/hat may have arisen in connection with such division and detailing the mode In which the partition is to be made.

(2) In any such order the Collector may direct the shares of any two or more claimants may, if they agree thereto, be combined for the purposes of partition and apodionproporatlonate in value to the extent of their joint shares may be separated from/he entire estate, in which case the respective rights of each of such co-sharers in the newly formed estate shall also be declared at the same time.

Section 199. Partition by whom to be made

When the preliminary y order for partition has been made the Collector shall allow the parties to make the partition themselves or appoint arbitrators for the purpose.

Section 200. Partition by agreement

If the parties agree to make the partition themselves, then- .

(a) a date shall be fixed to which the partition is to be completed,

(b) such copies of the relevant records as they require shall be given to them free of charge,

(c) the partway shall be directed to give them all necessary assistance in carrying out the partition in accordance with the terms of the preliminary order and preparing records of tels of production before the Collector,

(d) they shall appear onthe date fixed and produce the records of lot & prepared as aforesaid, together with a manor the estate showing in different colours the various lots agreed to by them for allotment of each of the portions into which the estate is divided

(e) the Collector shall get the lots signed in his presence by all the parties or their recognised agents duly authorized in that behalf, and

(f) when action has been taken under clause (e), the lots shall be accepted if they comply with the terms of the preliminary order and the provisions of law.

Section 201. Partition by arbitration

(1) If the parties agree to appoint and do appoint arbitrators for the purpose of making the partition, the Collector shall refer the partition to their arbitration.

(2) The provision of the Arbitration Act, 1940 (Central Act Xof 1940), shall apply mutation mutandis to such agreement and reference to such arbitrators and their appointment and proceedings and to the award made by them.

(3) The provisions of Sec. 201 shall be applicable as if for the word parties, the word 'parties', the word 'arbitrators' were substituted.

(4) It shall not be necessary for the arbitrators appear andproducepersonally before the Collector their award or to sign it or the lots in the presence of the Collector, but they shall sign the award and the lots personally and not by any recognized agent before the same produced before the Collector.

Section 202. Court when to make partition itself

In case of disagreement among the dopiest make the partition themselves or to appoint arbitrators for the purpose or when arbitration has been superseded or the award has been set aside, the Collector shall decide to make the pad/lion himself.

Section 203. Estimate and levy of partition costs

(1) When the Collector has decided under Section 202 to make the partition himself, he shall immediately cause the cost thereof to be estimated and shall direct that such cost be levied in the first instance from the applicant for partition or all co-shares in such instalments and at such time during the progress of the partition as may be prescribed by the State Government

(2) if the amount first estimated is found insufficient supplementary estimates may be made from time to time and additional amount may be levied as above provided

(3) The State Government shall make rules specifying the items which shall be included in and for determining the costs of such pad/lions and the Board shall make rules for determining the mode in which such costs are to be apportioned.

Section 204. Appointment of amins etc., and issue of warrant

When the estimates costs of partition are paid an amin or other suitable person shall be appointed to carry out the partition and the Collector shall issue a warrant of commission in his name for the purpose and supply him with all the necessary papers and information.

Section 205. Manner of executing warrant

(1) The amin or other person ap- aforesaid to make the partition shal, upon the receipt of the warrant of commission,-

(i) open and maintain a diary in which shall be recorded the date of the receipt of the warrant, the day-to-day proceedings taken by him in the execution thereof the places inspected by him for the purpose, the gist of the claims` and objections made before him, the person making the same and the manner of, and reasons for, his decision thereon,

(ii) prepare a programme for personal inspection and give fortnight's notice thereof to the parties,

(iii) prepare and place on record a tentative !ilil, in accordance with the terms of the preliminary order of the lots for each of the portions into which the estate is to be divided, and

(iv) proceed to the spot in accordance with the aforesaid programme, inspect the lands, hear the pad/es if present and meet their objections, assemble all persons interested therein with a view to giving them an opportunity to make orally or in writing any claim or objection which they may have to any of such lands being included in the portion sought to be separated, and dispose-Of all such claims and objections on the spot in the presence of lambardars.

(2) Such amin or person shall then return the warrant along with his report the manner in which he has executed it, recording the lost proposed by him and specifying the person or persons holding the same together with the nature of the tenure, engagement, lease or licence under which they are so held. Along wah the respect shall be submitted -

(a) the original diary maintained under clause (i) of sub-section (1),

(b) a coloured map such as is referred to in clause Cd) of Sack-on 200 and

(c) such other statements and returns containing such particulars as may be prescribed by the Board.

Section 206. Issue of proclamation

On receiving such report the Collector shall issue a proclamation calling upon all papers concerned to appear on a date to on fixed therein and state their claims or objections, if any, against the proposals made under sub-section (2) of Section 205 and cause a copy of such proclamation to be served on the parties requiring them to file their objech-ons, if any, within fifteen days ,from the service thereof.

Section 207. Consideration of proposals and determination of claims and objections

On the date fixed, the Collector shall -

(a) hear and dispose of, one by one-

(i) the objections made by the parties, and

(ii) the claims and objections lodged by other persons, and

(b) then examine the proposals to see if they are in occa dance with the terms of the preliminary order and comply with the provisions of law.

Section 208. Division of tenants's holding

In making partition the division of tenant's holdings shall, as for as possible, be avoided and where such division is unavoidable, the rent of each holding shall be distributed over the parts div Wed off.

Section 209. Division of khudkasht

Lands in which khudkasht rights have accrued and subsist for the time being shall be separately divided so that each portion made is allotted such pad thereof as is proportionate in value to the extent of the share or shares constituting such portion.

Section 210. Allotment of lands held in common

(1) Lands held in common other than lands referred to in Sec 209, shall be allotted in a manner so as to ensure that each portion gets such part thereof as disproportionate in value to the share or shares constituting it.

(2) Lands held in severalty, other than lands referred to in Section 209 shall as far as possible, be aliened to the portion of the co-sharer or co-sharers holding them.

Section 211. Buildings, gardens etc. of one co sharer on land allotted to another

If in making a partition it is necessary to include in the portion aliened to a co-sharers the lands occupied by a dwelling house or other building or by gardens or orchards in the possession agony other co-sharer or which are. of special value such other co-sharer in consequence of improvements made by him thereon at his own expense, the latter shall be allowed to retain such lands with the buildings, orchards and improvements thereon, on condition of his paying therefore a reasonable ground-rent. The limits of such|ands and the rent therefore shall be fixed by the Collector in all such cases, a defined pathway shall, as far as possible, be secured to the owner of the houses, gardens, orchards or improvements as the, case may be, leading therefrom to some public highway or some portion of the separate estate aliened to him.

Section 212. Tanks, wells, water courses and embankments

(1) Tanks, wells, water-courses and embankments shall be considered as attached to the land for the benefit of which they were originally made.

(2) When, from the extent, situation or construction of such works, it is necessary that they should continue the joint property `of the proprietors of two or more of the portions into which the estate may be divided the Collector shall determine the extent to which the proprietor of each portion may use the said works and the proportion in which the charge for repairs thereof shall be borne by such proprietor and the manner in which the profits (if any) derived therefrom shall be divided.

Section 213. Places of worship and cremation or burial grounds

Places of worship and cremation or burial grounds held in common before the partition shall continue to be so held, unless the persons holding them otherwise decide by an agreement, which shall be filed with the record.

Section 214. Incompactness a reason for disallowing partition

In making a partition the several portions into which the estate is divided shall be made as compact as possible, provided that, except with the sanction of the Board no partition shall be disallowed solely on the ground of incompactness.

Section 215. Distribution of revenue on partition

In all cases, whether partition has been made by agreement or by arbitration or by Collector, the Collector shall, immediately after accepting the lot sunder Section 200 or accepting the award under Section2Ol, or disposing of the claims and objections and examining, under Sech`on 207, the proposals made by the amin or other person entrusted with the execution of the warrant issued under Sec. 204, distribute the revenue of the estate over the severalpodions into which the estate is divided, and, where any suchpodion consist of more than one share, the extent of the liability of each holder of such share therein shall also be determined

Section 216. Final order for partition

(1) When the revenue has been distributed aforesaid, the Collector shall draw up a final order specifying the following particulars, namely :-

(a) the lands of various classes allotted to each portion;

(b) the revenue assessed on distribution under Section 215 as payable therefore;

(c) where any portion represents the shares of more than one co-sharer, the particular of such co-sharers together with the nature and extent of the share of each therein; and

(d) the rights and obligations of each co-sharer or of the several co-sharers, a sthe case may be, to get separate possession over the portion marked-out as aforesaid for him or for them jointly.

(2) When the final order has been drawn up by a subordinate officer to whom the case was made over under the proviso to Section 188 such order shall be submitted to the Collector who may confirm, vary or set as-ide the order or direct further inquiry to be made or additional evidence to be taken in the case or may himself make such inquiry or take such evidence or may frame fresh issues and safer them for trial :

Provided that no order of confirmation shall be made until the period allowed for preferring an appeal has expired or, an appeal is presented within such period unto a has been disposed of :

Provided further that no order varying on settling aside the order shall be passed nor shall any further inquiry be made or additional evidence taken, unless parties have had an opportunity of being heard in support of such order or of being represented while such inquiry is made or evidence taken.

Section 217. Instrument of partition

(1) The Collector shall cause in respect of each portion divided off from the estate an instrument of partition to be prepared son accordance with the terms of the final order in favour of the applicant or the applicants, as the case may be, whose share or shares each such portion represents and the date on which the partition is to take egad, shall be recorded therein and each such instrument shall bear stamp duty in accordance with the Indian Stamp Act, 1899 (Act ll of 1899) of the Central Legislature as adopted to [1][the State].

(2) Such date shall, unless otherwise directed, be the first day of July next following the date of transformation of the final order, or from the date of confirmation thereof, by the Collector.

(3) From the date on which the partitions takes enact, each portion so divided off shall be deemed and treated for all purposes to be a separate estate as if it had been originally made or or created son favour of the person or persons whose share or shares it represents.

(4) When the instrument of partitions has been prepared, the Collector shall get the annual registers corrected accordingly and move the Board to get the necessary entries made in the land records.

[1] Subs. by Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 13-1-1958.

Section 218. Delivery of possession of property allotted on partition

Any person or persons to whom any land is allotted in the instrument of partitions shall be entitled separate possession thereof as against the other parties to the partition and their legal representatives, and the Collector shall, on application made to him for the purpose by such person or persons at any time within three years from the date recorded in the instrument of partition under sub- section

(1) of Section 217, give effect to that instrument as if it were a decree passed by a civil court for recovery of possession over immovable property.

Section 219. Division of complex estates

When an estate consists of two or more village or portions of villages, the State Government may direct its diversion into as may estate as may be necessary for administrative convenience. On receipt of such direction the Collector shall after considering any representations made by the estate-holders concerned distribute the revenue of the whole estate over the several estates into which .it is divided in accordance with mies made under this. Ad, and shall correct the annual registers accordingly. The estates so formed shall be severally responsible for the revenue distributed thereon.

Section 220. Fraudulent or erroneous distribution of revenue

When in making a partition under this chapter, the revenue has owing to fraud or error, been wrongly distributed, the Board may, at the time order such a distracting of the revenue of the original estate over the several estates into which it is divided as, but for the error or fraud, would have been made at the time of partition.

Section 221. Under-assessed estates to refund to over-assessed estates

(1) The Board may in any case under Section 220 direct that any proprietor whose estate has been found to have been under- assessed shall for each year, not exceeding three years in all, in which he has held possession, of his separate estate, be required to pay to the recorded proprietor of any estate which has been over-assessed a sum equal to the annual amount by which the first mentioned estate shall be found to have been under- assessed and in default of payment the amount shall be recovered as an arrear of revenue and paid to the proprietor to whom it is due.

(2) No ,order passed under the union shall be questioned in any civil or revenue court.

Section 222. Consolidation of estates forming part of the same village

If two or more revenue paying estates from portions of the same village, the estate-holders may apply to the Collector for the consolidation of the same into a single estate, and the Collector may, at his discretion, grant such application, and in such case shall correct the annual registers accordingly.

Section 223. Chapter not to apply to division between Govemment and estate holder

(1) The provisions of this Chapter shall not apply to the division of an estate between its holder and the State Government and whenever such division becomes necessary it shall be made by the Collector.

Provided that the Collector's proposals shall be submitted to the State Government through the Board for approval.

(2) Every such division shall be made in accordance with rules made by the State Government in that behalf.

Section 224. Revenue, a first charge on land and its produce

(1) The revenue or rent assessed on every estate or holding shall be first charge thereon and on the rents, profits or produce thereof.

(2) The rents profits and produce of such estate or holding shall not be applied in satisfaction of a decree or order of any civil or revenue court, until all arrears of the revenue or rent due in respect thereof have been paid.

Section 225. Responsibility for revenue

(1) All the holders and co-sharers of an estate are jointly and severally responsible to the State Government for the rent for the timebeing payable therefor.

(2) All tenants and co-tenants of a holding situated beyond an estate are jointly and severally responsible to the State Government for the erent for the time being payable therefore.

(3) All persons coming into possession of an estate or a holding, shall be responsible for all arrears of revenue or rent due at the time of their coming into possession.

(4) The expression "holder" in this chapter means a person in possession for his own benefit and includes a mortgagee and a lessee of the holder's rights.

Section 226. Rules as to payment of arrears and defaulters

The revenue or rent shall be paid in such instalments, to such persons and such times and places and in such manner, as may be prescribed, and any sum not so paid becomes an arrear of revenue or rent, and the persons responsible for its become defaulters :

[1] [Provided that until the State Government directs otherwise, the revenue or rent for the timebeing payable to the State Government shall be paid through the Patwari of the Circle.]

[1] Ins. vide Sec. 32(b) of Rajasthan Act No. 11 of 1964, Pub. in Raj Gaz. Part IV-A, Ex-ord., dt. 13-4-1964.

Section 227. Certified account to be evidence as to arrears

A statement of account, certified by the Tehsildar shall for the purpose of the Chapter, be conclusive evidence of the existence of the arrear, of its amount and of person who is the defaulter :

Provided that nothing in this section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate independent proceeding before the Collector.

Section 228. Processes for recovery of arrears

An arrear of revenue or rent may be recovered by one or more of the following processes :-

(a) By serving a writ of demand or a citation to appear on any of the defaulters;

(b) By attachment and sale of his movable property;

(c) By attachment of the specific area, share, patti or estate, in respect of which the arrears is due;

(d) By transfer of such share or patti to a solvent co-sharer;

(e) By sale of such specific area or patti or of the whole estate,

(f) By sale of other immovable property of the defaulter:

Provided that the provision of clause (e) shall not be applicable to Jagir land [1][or the estate of a landowner].

[1] Ins. vide Section 11 of Raj. Act. No. 18 of 1963, Pub. in Raj Gaz. Part IV-A, Ex-ord., dt. 1-10-1963.

Section 229. Writ of demand and citation to appear

When an arrear of revenue or rentbecomes due, a writ of demand calling on the defaulter to pay the amount within a time therein stated or a citation to appear on a date therein mentioned may issue.

Section 229 A. Power to grant Instalments

[1][(1) The Collector may, in cases of genuine hardship, order that the payment of arrear of revenue or rent chargeable under this Act or under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) for which a writ of demand or a citation has been issued under Section 229, shallbe paid in such number of instalments not extending beyond a period of three years and on such terms as to payment of interest as may be prescribed subject, however, to the condition that if default is made in the payment of any instalment, the entire amount of arrear and interest due thereon shall be payable in lump sum.

(2) When any immovable property has been attached by Collector under this Chapter for the recovery of such arrear, the attachment shall, notwithstanding any order fixing instalments made under sub-section 91), continue until the full amount of the arrear, interest due, if any, and the cost of attachment are paid by the defaulter.]

[1] Ins. by S. 2 of Raj. Act No. 6 of 1981, pub. in Raj. Gaz. E.O. Part (ka), dt. 2.4.1981 on Pae 182.

Section 230. Attachment and sale of movable property

The Collector may attach and sell the movable property of the defaulter. Every attachment and sale ordered under this section shallbe made according to the law in force for the time being for the attachment and sale of movable property under the decree of Civil Court. In addition to the particulars mentione din the proviso to Section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908), articles set aside exclusively for religious use shall be exempted from attachment and sale under this section. The cast of attachment and sale shall be added to the arrear of revenue or rent and shall be recoverable by the same procedure.

Section 231. Attachment of the Land

(1) The Collector may, in addition to or instead of any of the other processes here in before specified, attach and take under his own management any specific area, share, patti or estate in respect of which an arrear is due, and such attachment, shall last till the arrear is liquidated.

(2) On the liquidation of the arrear, the land shall be released and the surplus received, if any, shall be made over to the defaulter or his legal respresentative.

Section 232. Powers and obligations of manager

When any land is so held under direct management, the Collector shall be bound by any engagement which at the time of attachment existed between the defaulter and the tenants and shall be entitled to manage the property so attached and to receive all rents and profits accruing therefrom. The collections of the property so attached shall be applied to the payment of any instalment of revenue and rent which may become dueafter attachment and of the cost of attachment and management, and any surplus shall be applied to discharging the arrear on account of which the attachment was made.

Section 233. Proclamation of attachment

When the Collector attaches any land under Secion 231, he shall issue a proclamation thereof.

(2) payment on account of rent or any other asset of the land, made after the date of such proclamation or in anticipation of due date, to any person other than the Collector shall relieve the person liable to pay from liability for payment to the Collector.

Section 234. Transfer of defaulter's share

(1) When the arrear is due in respect of a share or patti or an estate, the Collector may, in addition, to, or instead of, any of the processes hereinafter specified with the previous sanction of the Board, transfer such share or patti for a termnot exceeding ten years fromthe first day of July next after the date of the sanction to all or any of the co-sharers of the estate other than the estate-holder on condition of their paying the arrear, and on such terms as the Board in each case may prescribe. Such transfer shall not affect the joint and several liability of the co-sharers of the estate in which it is enforced.

(2)When the term of transfer has expired, the share or patti shall be restored to the estate-holder thereof free of any claim on the part of Government or the transferee for any arrear in respect of such share or patti.

Section 235. Sale of defaulter's specific area, patti or estate

When the Collector is of opinion that the other processes [1][hereinafter] specified are not sufficient for the recovery of an arrear, he may, in addition to or instead of all or any of such other processes. [2][xxx] sell by auction the specific area, patti or estate in respect of which such arrear is due :

Provided that no specific area, pant or estate shall be sold for any arrear which may have accrued while it was -

(a) under the managment of the Court of wards, or

(b) under direct management by the Collector.

[1] Subs. vide Section 3 of the Raj. Act No. 16 of 1961, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 22-5-1961.

[2] Deleted by Section 4 of the Raj. Act No. 5 of 1964, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 26-3-1964.

Section 236. Land to be sold free of encumbrances

(1) Land sold underthe last preceding section shall be sold free of all encumbrances, and allcontractspreviously made by any person other than the purchaser in respect of southland, shall become voidable at the opts-on of the purchaser at the auction sale.

(2) Nothing son sub-section (1) applies to lands held under bonafede leases, temporary or perpetual for the erect son of dwelling-houses or manufactures, or for gardens, tanks, canals places of worship or cremation or burial grounds, such land continuing to be used for the purpose specified in such leases.

(3) Notwithstanding anything contained in sub-section (1), the State Government may, at any time before the sale has been made, direct that it be made subject touch interesting or rights in land created by the holder thereof, or any person through whom he claims, as set thinks fit.

Section 237. Powers to proceed against Interest of defaulter In property other than that In respect of which default is made

(1) If an arrear cannot be recovered by any of the above process and the defaulter owns, or has any interest in any other estate or any share in any other immovable property, the Collector may proceed against such estate or share or other immovable property as if set were the land on account of which the revenue or rent is due under the provisions of this Act :

Provided that no interest save those of the defaulter alone shall be affected by such process.

(2) Sums of money recoverable as arrears of revenue and rent butnot due in respect of any specific land, may be recovered by process under this section against any immovable property of the defaulter.

Section 238. Proclamation of sale

(1) When the sale of any land or other immovable property has been sanctioned under Section 235 or Section 237, the Collector shall issue a proclamation of the intended sale, specifying the land to be sold the time and place of sales, whether or not the land is tobe sold free of encumbrances andany othe particulars, the Collector may think necessary.

(2) A Copy of the proclamation issued under sub-section (1) shall be served on the defaulter.

Section 239. Sale when and by whom to be made

(1) Every sale under this Chapter shall be made either by the Collector in person or by an Assistant Collector [1][or Tehsildar] specially appointed by himin this behalf.

(2) No such sale shall take place on a Sunday or other authorised holiday or until after the expiration of at least thirty days from the date on which the proclamation thereof was issued.

(3) The Collector, may from time to time, postpone the sale.

[1] Ins. vide Sec. 7 of Raj. Revenue Laws (Amendment) Ordinance, 1977, Pub. in Raj. Gaz. Ex.-ord. Part 4(Kha) dt. 24-1-1977, Page 52 and replaced by S. 2 of Raj. Act No. 6 of 1981, Pub. in Raj. Gaz. E.O. Part 4(Kh), dt. 22-4-1981 on pages 1-2.

Section 240. Prohibition to bid for an acquire the property sold

No officer having any duty to perform in connection with any such sale, and no person employed by or subordinate to such officer, shall either directly or indirectly bid for acquire or attempt to acquire, except on behalf of the State Government or he Court of Wards, the property sold or any indirecte therein.

Section 241. When sale may be stayed

If the defaulter pays the arrear in respect of which the land or other immovable property is to be sold, any time before the day fixed for the sale, to the person appointed to receive payment of the revenue or rent or to the Collector, or to the Assistant Collector in charge of the sub-division in which the land or other immovable property is situated, the sale shall be stayed.

Section 242. Deposit by purchaser, re-sale in default of deposit

The person, declared to be the purchaser, shall be required to deposit immediately twenty five per cent of the amount of his bid, and in default of such deposit, the land or other immovable property shall forthwith be again put up and sold; and such person shall be liable for the expenses attending the first sale and any deficiency of price which may occur on the re-sale, which may be recovered from him by the Collector, as if the same were an arrear of revenue.

Section 243. Purchase money when to be paid

The full amount of purchase money shall be paid by the purchaser at the Collector's office on or before the fifteenth day from the date of the sale.

(2) If the purchase money is not so paid, the deposit, after the expenses of the sale have been defrayed therefrom, may be forfeited to Government, and the propety shall be resold, and the defaulting purchaser shall forfeit all claims to the property or to any part of the su for which it may be subsequently sold.

Section 244. Liability of purchaser for loss by re-sale

If the proceeds of sale, which is eventually made, are less than the price bid by such defaulh`ng purchaser, the difference shall be recoverable from him, as if it were an arrear of revenue.

Section 245. Proclamation before re-sale

No sale after postponement under Section 239 and no re-sale under Section 242 in default of payment of the purchase money shall be made until a fresh proclamation has been issued as prescribed for the original sale.

Section 246. Application to set aside sale on deposit of arrear

Any person whose land or other immovable property has been sold under this Act may, at any time within thirty days from the date of sale, apply to have the sale set aside on his depositing in the Collector's office -

(a) for payment to the purchaser a sum equal to five per cent of the purchase-money; and

(b) for payment, on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, loss any amount which may, since the date of such proclamation ofsale, have been paid on that account; and

(c) the cost of the sale. If such deposit is made within the thirty days, the Collector shall pass an order setting aside the sale :

Provided that, if a person applie under Section 247 to set aside such asale, he shall not be entitled to make an application under this section :

Provided also that if the land has been sold free of encoumbrances under Section 236, the encumberances shall be revived as soon as the sale is et aside under this section.

Section 247. Application to set aside the sale for irregularity etc

At any time within thirty days from the date of the sale, an application may be made to the Collector to set aside the sale on the mound of some material Irregularity or mistake in publishing or conductinng It. But no sale shall be set aside on such ground unless the applicant proves the satisfaction of the Collector that he has substantial injury by reason of such irregularlity or mistake.

Section 248. Order confirming or setting aside sale

On the expiration of thirty days from the date of the sale if no such application as is mentioned in Section 246 or Sech`on 247 has been made, or if such application has been made and rejected the Collector shall pass on order confirming the sale and, if such application under Section 247 is made and allowed, the Collector shall pass on order setting aside the sale.

Section 249. Bar of claims founded on irregularitty of mistake

If no application under Section 247 is made within the time allowed therefore, all claims on the ground of irregularity or mistake in publishing or conducting the sale shall be barred :

Provided that nothing herein contained shall bar the institution of a suit in the civil court for the purpose of setting aside a sale on the ground of fraud.

Section 250. Refund of purchase-money when sale set aside

Whenever the sale of any land other immovable property is set aside under Section 248 the purchaser shall be entitled to receive back purchase money with interest, at such rate not exceeding six per cent per annum or without interest, as the Collector thinks fits.

Section 251. Purchaser to be put in possession

Certificate of Purchase - (1) After a sale of land or other immovable property under this Act has been confirmed in the manner aforesaid, the Collector shall put the person declare to the purchaser into possession of such property, and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers, and such certificate shall be deemed to be a valid transfer of such property but need not be registered as a conveyance except as provided by Section 89 of the Indian Registration Act, 1908 (Central Act XV of 1908).

Section 252. Application of proceeds of sale

When a sale or land or other immovable property under this Act has been confirmed, the proceeds of sale shall be applied in he first place to the payment of any arrears, including costs incurred for the recovery thereof, due to the State Government from the defaulter at the date of the confirmation of the sale whether thearrears are of revenue or rent, or of sums recoverable as an arrear of revenue or rent and in the second place, ifthe sale took place for the recovery of an amount recoverable as an arrear of revenue or rent but not due to the State Government to the payment of that amount including costs as aforesaid and the surplus (if any) shall be paid to theperson whose land has been sold; or if the land sold was held in shares, then to the co-sharers collectively, or sold; or if the land sold was held in shares, then to the co-sharers collectively, or according to the amount of their recorded interests at the discretion of the Collector.

Section 253. Liability of purchaser for revenur or rent

The person named in the certificate of sale as purchaser of any land shall be liable for all instalments of revenue or rent beocming due in respect of such land after the date of the confirmation of the sale.

Section 254. Pre-emption by co-sharers

When any land sold under Section 235 or Section 237 is a portion of an estate any recorded co-sharer in the state, other than the person whose land has been sold, may if the lot has been knocked down to a stranger, claim to take the said land at the sum last bid:

Provided that the said demand of pre-emption be made within seven days of sale & provided that the claimantfulfils all other conditions of thesale.

Section 255.

[1][xxx]

[1] Omittedby Section 2(i) of Rajasthan Act No. 42 of 1960, Pub. in Raj. Gaz., Ex-ord., Part IV-A, dt. 2-12-1960. This Act No. 42 of 1960 came intoforce with effect from1-1-1961 vide Finance Department Notification No. F. 10(37) F(AA) 54, dt.22-12-1960, Pub. in Raj. Gaz., Ex-ord., Part IV-C, dt. 29-12-1969.

Section 256. Recovery of miscellaneous revenue and other moneys

The following moneys may be recovered under this Act in the same manner as an arrear ofrevenue -

[1][(a) all sums of money declared by this Act or by any law for the time being in force, other than the Rajasthan Public Demdands Recovery Act, 1962 (Rajasthan Act 5 of 1952)].

(i) to be recoverable as an arrear of revenue and revenue or rent, or

(ii) to be a demand or public demand or to be recoverable or realisable as a demand or a public demand or as an arrear of a demand or a public demand;

(b) all sums of money payable to the State Govemment or to a department or an officer of the State Govemment or to local author Hy on account of rates, duties, taxes, charges or other dues under any law or rule having the force of law, notwithstanding that such law or rule does not declare the same to be recoverable or realisable as an arrear of revenue or land revenue or rent or to be a demand or a public demand or to be recoverable as an arrear of a demand or a public demand;

(c) all sums of money payable to the State Govemment or to a department or an officer of the State Govemment or to a local authority -

(i) by way of fees, fines, penalties, compensation of costs imposed or awarded by any authority, not being a civs`l

or crs`minalcoust, under this Act or under any other law for the time being in force, or

(ii) on account of pasturage, forests rights, fisheries mills, natural products of land, water-rates, irrigation charge, maintenance and management of irrigation works and the like;

(d) all rents, premia, ceases, rates, fees and royalties due to the State Govemment on account of the use or occupation of land or water or other immovable property, whether belonging to the State Govemment or not, or on account of any products thereof or proceeds therefrom or on any other account;

(e) all sums of money due to the State Govemment under any grant, lease or contract which provides that they shall be recoverable as arrears of revenue or land revenue.]

[1] Subs. by Sc. 2(ii)-Ibid.

Section 257. Recovery of moneys from sureties

Every person who may have become a surety under any of the provisions of this Act or under any other enactment or any grant, lease or contract where under the sum secured, is recoverable from the principal as an arrear of revenue, shall, on failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against as if such amount of portion thereof where an arrear of revenue.

Section 257-A. Application for Recovery of Moneys referred to in Sections 256 and 257

[1] [(1) Any officer or authority, to whom any sum of money referred to in Section 256 or Section 257 is due and payable, shall make to the Collector an application in writing in the prescribed form, containing the following particulars, namely :-

(a) the officer authority to whom the sum is due and payable,

(b) the sum due and the nature thereof,

(c) the sum due and the nature thereof,

(d) the period, if any, for which it is due and the date on which it first became payable,

(e) the process by which the sum may be recovered,

(f) where possible, the property against which the process may be executed, and,

(g) such other particulars as may be prescribed by the State Government :

Provided that no such application shall be necessary in cases in which according to the law under which such sum of money is due and payable a certificate or certifie dstatment of account or other document, specifying, as nearly as may be aforesaid particulars, is required to be sent and has been sent to the Collector.

(2) The application, certificate, statement of account or other document referred to in sub-section (1) shall for the purpose of recovery in accordance with the provisions of this chapter be conclusive evidence of the existence of the arrear payable to the officer or authority signing the same, of the amount of such arrear and of the person who is the defaulter.

[1] Ins. by Sec. 2 (iii) of Raj. Act No. 42 of 1960, pub. in Raj. Gaz. Part IV-A, Ex-ord, dt. 2-12-1960. This Act No. 42 of 1960 came into force with effect from 1-1-1960 vide Finance Department Notification No. F. 14(3)/F/AA/54, dt. 22-12-1960, published in Rajasthan Gazette Ex-pord. Part IV-C, dated 29-12-1960.

Section 257-B. Payment under protest and further remedy

(1) If proceedings are taken under this chapter against any person for the re cove y of any sum of money referred to in Section 256 or Sech.on 257, such person may at any time, before any property attached in such proceedings is knocked down at a sale thereof, pay the amount claimed and at the same time deliver a protest signed by himself, or by his author|sea agent to the revenue officer taking such proceedings.

(2) When any amount is paid under protest under sub-section (1), such amount along with the protest shall be forwarded to the officer or authority at whose instance proceedings were so started.

(3) Subject to the provision contained in sub-section (4), the person making s payment under protest in accordance with sub- section (1), shall have the right to Institute a suit forthe recovery of the whole ors part of the sum so paid under protest.

(4) No suit under sub-section (3) shall lie or be instituted, if any law under which the sum of money paid under protest is due, provides a remedy, whether by way of su it, appeal, application or other proceedings, to the person from whom such sum was recovered.

(5) No appeal or reference shall lie from an order of a revenue officer passed -n proceedings taken under this chapter for the recovery of sums of money referred to m Secs. 256 and 257.

Section 257C. Person from whom sum is due defined

For the purposees of sections 257A and 257B, the expression "persons form whom sum is due" or any other expression to the like effect shall mean the person so named in the application under sub-section (1) of section 257A whether such sum is due from him, personally or as a legal representative of any other person from whome the sum was so due and shall include a person-

(i) who is liable under section 257 as a surety of the person from whome the sum is or was so due, or

(ii) whose name is subsequently substituted for or added as, the person from whom the sum is or was so due.

Section 257D. Provisions of Chapter to apply to sums due at commencement of Act

The provisions of this Chapter with regard to the recovery of revenue or rent shall apply to all arrears of revenue or rent as well as sums of money recoverable under sections 256 and 257 as arrears of revenue due at the commencement of this Act.

Section 258. Recovery of costs etc

All rates, costs, charges, fees, fine, penalties and other moneys payable to Government under this Act shall be recoverable as arrears of revenue.

Section 259. Jurisdiction of civil courts excluded

No suit or other proceedings shall, unless otherwise excepted by any express provision made in this Act or in any other enactment or law for the time being in force, lie or be instituted in any civil court with respect to any matter arising under, and provided for, by this Act:

Provided that, if, in a boundary dispute or any other dispute between estate-holders, a question of title is involved, a civil suit may be brought for the adjudication of such question.

Section 260. Delegation

[1][(1) The State Government may, by notification in the Official Gazette -

(a) delegate all or any of its powers under this Ad, except the power to make mies, to the Board or 4[the Commissioner} or the Settttement Commis- sioner or the Director of Land Records or a Collector, or

(b) direct that any duties imposed and powers conferred by this Act or the rules made thereunder or by any other law for the time being in force or the rules made under such other law on any officer or authority appointed or constituted under this Ad or the rules made thereunder 4[shail, to the seclusion of such officer or authority, be performed} and exercised by any other lawfully appointed or constituted on/car or authority specified in the notification, whether such other officer or authority specified in the notifica- tion, whether such other officer or authority shalt have been appointed or constituted under this Act or the mies made thereunder or under any other law for the time being in force or the mies made under such other law, or

(c) require the Board or any other officer to perform the duties and exercise the powers imposed and conferred by this Ad or the rules made there under on [2][the Commissioned the Settlement Commissioner or the Direc tor of Land Records, or

(d) authorise any authority or officer lawfully constituted or appointed to delegate its or his powers under this Act or under any other law for the time being in force, except the power to make rules under this Act. or under such other law to any other authority of officer constituted or appointed under this Ad of the rules made thereunder or under any other law for the time being in force or the rules made under such other law.

(2) Doubts having been expressed as the scope of the power of delegations, provided for in this section as it stood before the 16th day of November, 1961, it is hereby enacted for the removal and clarification of such doubt that, notwithstanding anything contained in any judgment, order or decision of any court (Civil and Revenue) tribunal or other competent authority and notwithstanding any defect or omission of form, language or reference in any nolih'calions issued by the Stale Government under this section previously to the said day or any rule of law-or interpretation.

(a) all delegations of powers and duties made by the Stale Government under this section before the sixteenth day of November, 1961, shall be deemed to have been lawfully and validly made interments sub-'seclion (1) as hereby amended as if such amendments had then been made, and

(b) all notifications delegating such powers and duties, shall, until superseded, continue lo be operative and lo have effect according lo their tenor].

[1] Ins. by Act No. 10 of 1987 w.e.f. 31-1-1987, Pub. inRaj. Gaz. E.O. (4-A dt. 9-4-1987, Pages 43-50

[2] Subs. vide Ord. No. 8 of 1988 dt. 1-9-1988, Pub. in Raj. Gaz., E.o., dt. 1-9-1988, Pages 31-33.

Section 261. Power to make rules

(1) The Board may, with the previous sanction of the State Government, make rules consistent with the provisions of this Act and of the rules made under sub section (2) -

(a) Regulating the procedure of the Board and its officers in the transaction of its business,

(b) prescribing the registrars, books and accounts to be kept and maintained under Section 14,

(c) prescribing the manner of the publication of rent-rate-proposals under Section 155(1),

(d) for the guidence of Collectors and Settlement Officers in assessing and fixing rents under this Act

(e) prescribing the manner of the giving of a public notice under Section 125(2),

(f) prescribing the manner in which assessment purchas shall be made over to tenants and land-holders under Secton 164(3),

(g) directing the rights, customs and other matters which the Settlement Officer is to ascertain and record in the Wajib-ul-arz or Dastoor Ganwai and prescribing the manner in which they are to be ascertained,

(h) prescribing the manner of notifying the date, time and place fixed for reading out the Wajib-uI-arj or Dastoor Ganwai to be inhabitants of the village concerned,

(i) for the guidance of Collectors and Settlement Officers in assessing rents under Section 178 for areas for which short-term settlement were sanctioned,

(j) regulating under Section 179, the assessment of land added by alluvian and the revision of assessment in consequence of fluvial action or diversion of land from an agriculture to a non-agricultural purpose of vice versa,

(k) regulating the procedure of Settlement Officers in correcting errors and omissions under Section 182

(l) regulating the framing of modified proposal under Section 183(2),

(m) prescribing the particular to be contained in an application for partition under Section 187,

(n) prescribing the formal the preliminary order for partition under Section 198,

(o) determining the mode in which the costs of partition are to be apportioned Section 203,

(p) prescribing under clause (c) of sub-section (2) of Sec. 205, the statements and returns to be submitted and the particulars to be contained therein.

(q) regulating the division of complex estates, and the distribution of the revenue thereof under Section 219,

(r) regulating the costs which may be recovered in or in respect of any judicial or settlement proceedings under this Act other than costs recoverable by the State Government in proceedings in partition cases,

(s) regulating the procedure to be followed by any court, officer or other person required or empowered under any provision of this Act to take any action in any judicial or settlement matter,

(t) for carrying out the provisions of this Act in respect of judicial and settlement proceedings, and

(u) for the guidance of all courts, officers and other persons in all judicial and settlement proceedings under this Act.

(2) The State Government may make rules consistent with the provisions of this Act,-

(i) prescribing the qualifications of persons eligible for appointment as Chairman and members of the Board under Sec. 4,

(ii) prescribing under Section 10, the manner in which the jurisdiction of the Board may be exercised and its business may be distributed,

(iii) prescribing under sub-section (2) of Section 23 read with the first Schedule manors which may be deemed to be judicial matters for the purposes of this Act,

(iv) prescribing the duties and powers of all Revenue Courts and officers under this Act,

(v) regulating the appointment of Patwari, Girdawar Qanungos or Land Records Inspectors and Sadar Qanungos, laying down their qualifications and conditions of service and prescribing their duties.

(vi) [xxx]

(vii) 3[x x x]

(viii) 4[X X x]

(ix) 1[X x XI

(x) 2[x x x]

(xi) prescribing the manner in which lands which are the property of the State under Sec. 38 may be disposed of and the manner in which notice of an enquiry or order under that section may be given.

(xia) prescribing the manner in which permission under Section 90-A for conversion of agricultural land into non-agricultural land shall be applied for; the officer or authority to whom such application shall be given; the particulars to be given in such application; the manner in which enquiry is to be made; the terms and conditions on which the permission may be given; the rate and manner of levy of urban assessment; the rate and manner of levy of the premium to be charged by the State Government on such conversion, and the due to be imposed under sub section (5) of Section 90-A].

(xii) prescribing the manner in which permission under Section 90-A for conversion of agricultural land into non-agricultural land shall be applied for; the officer or authority to whom such application shall be given; the particulars to be given in such application; the manner in which enquiry is to be made; the terms and conditions on which the permission may be given; the rate and manner of levy of urban assessment; the rate and manner of levy of the premium to be charged by the State Government on such conversion, and the due to be imposed under sub section (5) of Section 90-A].

(xiii) regulating under Section 93 the grazing of cattle on pasturage land regulating under Section 94 the control and management of forests forest growths,

(xiv) regulating under Section 95 the resonation of land for the development of the abadi area of villages, the allotment of land in such area and any payments to be made or premium to be paid for such allotment, defining the rights which an allottee shall have in such areas and laying down the extent of land which may be granted free of such payment or premium under Sec. 98 for being used for the purpose therein specified,

(xv) regulating the holding of auctions Sec. 97,

(xvi) regulating under S8C. 99 the constructions, maintenance, demolition, repairs and extension of houses or buildings,

(xvii) regulating under Sectjon 100 sales of land in industrial and commercial areas,

(xviii) regulating under Section 101 the allotment of lands for agricultural purposes,

(xix) regulating under Section 109 the procedure to be adoptedby Land Records Officers in conducting survey and record operations orrecord operations only.

(xx) laying down under Sect. 112 and 131 the mode of preparation,attestateion and maintenance of maps and field books.

(xxi) prescribing under the said sections the form and contents of field book and the mannerin which and intervals at which change therein shall be recorded.

(xxii) regulating the mode of preparatin, attestation and maintenance of the record of rights and annual regreisters referred to in Sections 114 and 132 specifying the registers aregisters referred to in Setions 114 and 132 specifying the registers other than those referred to in Sec.114 to be prepared as constituents of therecord of rights, and prescribing the particular, other than those mentioned in Sec.121, to be sepecified in the khatauni.

(xxiii) regulating the mode of preparation, attestation and maintenance of the record of rightsand annual registers referred to in Sections 114 and 132 specifying the registers other than thosereferredtoin Sec. 114 to be prepared as constitutes of the record of rights, and prescribing the particulars, often than those mentione din Sec. 121, to be specified in the khatauni.

(xxiv) regulating the procedure to be observed by Lord Records Officers in making inquiries [under Sec. 124].

(xxv) regulating the mode of determining and recording Khudkasht land under Section 118.

(xxvi) regulating the ascertainment and determination of are to be serserved ofr the residence of the inhabitants of villages.

(xxvii) prescribing the form, contents and mode of preparation of lists of villages under Sec. 120.

(xxviii) prescribing the intervals at whcih the annual registeres shallbe prepared under Section 122 [the manner in which changes shall be recorded therein and the fees to be charged for recording such changes).

(xxix) prescribing the hours during which and the conditions oon which maps, field book and registgers prepared under Chapter VII shall be optn to public inspection, the fees on payment of which copies of entrie therein may be prepared and issued and the mode of attestation of such copies,

(xxx) regulating under Section 147 the procedure of Settlement Officers in conducing the settlement operations.

(xxxi) regulating the division under Section 150 of assessment circles or assessment grups it to various soil classes,

(xxxii) prescribing the manner in which the order stopping the recovery of rents in kind under Sec. 165 shall be published,

(xxxiii) regulating the intermediate revision of settlement in cases failing within the third proviso to Sec. 175,

(xxxiv) regulating the levy of a special urban rate under Sec. 180,

(xxxv) regulating under Section 197 the determination of the general principles and conditions of valiant of lands for the purposes of partitions,

(xxxvi) regulating the determination of the costs of partition and instalments and times of payment thereof under Sec. 203,

(xxxvii) regulating the division of an estate between the estate holder and the State Government under Sec. 223,

(xxxviii) prescribing under Section 226, the instalments, in which the persons to whom, the times and places at which and the manner in which the revenue or rent due to the State Government shall be paid,

(xxxix) regulating the issue of writs of demand and citations under Sec. 229 directing by what officers or classes of officers such processes shall be issued and fixing the costs thereof to be recovered from defaulters,

(xl) regulating the procedure to be adopted when any estate or a specific share or Dani thereof is transferred under Section 234 or sold under Section 235,

(xli) regulating the costs, that may be recovered in or in respect of non-judicial proceeding under this Act not connected with settlement

(xlii) regulating the procedure to be followed by any officer or person required or empowered under any provision of this Act to take any action in non-judicial matter not connected with settlement,

(xliii) regulating all matters which may be, or are required to be `prescribed or in respect which rules may be, or are required to be made, under any provision of this Act otherwise than by the Board under sub-section (1), and

(xliv) geneally for carrying out the provisions of this Act.

Section 262. Patwaris, etc. to be public servants

Every Patwari, Girdawar Qanungo or land Records Inspetor [1][and Sadar Qanungo] appointed under Chapter III and every person appointed temporarily to discharge the duties of any of them shall be deemed to be a public servant within the meaning of S. 21 of the Indian Penal Code (Central Act XLV of 1960) and all official and the property of the State.

[1] Subs. v. Moti, 1982 RRD 470 (475).

Section 263. Repeal and Savings

(1) On and from the coming into force of this Act, the following shall stand reprealed in so far as the matters therein contained are covered by, or are consistent with, the provisions of this Act, namely -

(a) the enactment mentioned in the Second Schedule;

(b) any laws of the covering State, other than the enactments mentioned in the Second Schedule, relating to matters covered by the provisions of this Act; and

(c) any law amending the enactments or laws referre to in clauses (a) & (b).

(2) The repeal of any enactment or law by this Act shall not legalize any practice which immediately before the pasing of this Act was illegal.

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

Schedules

The Schedules are not reproduced in this PDF. Each is in the official file, at the page given:

The First Schedule (official file, page 79)

The Second Schedule (official file, page 79)

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