

116A.* As soon as may be after the date on which the partition takes effect under the last preceding section, the Deputy Commissioner shall deliver to the several sharers possession of the separate lands allotted to them and for this purpose may, if necessary, summarily eject any proprietor or landholder who may refuse to vacate the same.

Procedure to be followed by Deputy Commissioner in giving effect to the partition.

117. An appeal against the decision of the Deputy Commissioner making a partition shall lie to the Commissioner of the Division, or where there is no Commissioner, to the Chief Commissioner, within one year from the date on which the partition takes effect.

Appeal from decision of Deputy Commissioner.

118. Where the revenue is fraudulently or erroneously distributed at the time of the partition, the Chief Commissioner may, within twelve years from the time of discovery of the fraud or error, order a new allotment of the revenue upon the several estates into which the estate has been divided, on an estimate of the assets of each estate at the time of the partition, to be made conformably to the best evidence and information procurable respecting the same.

Power to order new allotment of revenue on proof of fraud or error in the first distribution.

119. Imperfect partition shall be carried on according to the provisions of the preceding sections, so far as they are applicable.

Making of imperfect partition.

120. If a recorded proprietor or landholder is in possession of two or more revenue-paying estates, he may, subject to the rules framed under section 121, claim to have those estates united, and to hold them as a single estate.

Persons entitled to union.

121. The Chief Commissioner may make rules, not being inconsistent with this Regulation, as to the procedure and principles to be observed in dealing with applications for, and in carrying out, the partition and union of estates, and in assessing the land revenue on estates divided.

Power to make rules.

CHAPTER VII.

POWERS OF OFFICERS.

Part A.—Revenue-officers.

122. The Chief Commissioner shall, * * * be the chief controlling authority.

Chief Commissioner.

123. Every Commissioner of a Division, Deputy Commissioner, Assistant Commissioner and Extra Assistant Commis-

Ex-officio Revenue-officers.

* New section inserted by Regulation II of 1905.

* * * The words "subject to the control of the Governor General in Council" were omitted by section 2 of the Devolution Act XXXVIII of 1920.

sioner shall be a Revenue-officer for the purposes of this Regulation.

Appoint-
ment of
other
Revenue-
officers.

124.

* * * The Chief Commissioner may, for the purposes of this Regulation,—

- (a) appoint to each district, in addition to the officers mentioned in section 123, as many other Revenue-officers as he thinks fit; and
- (b) suspend or remove any officer appointed under this section.

Subdivi-
sional Offi-
cer.

125. (1) The Chief Commissioner may, for the purposes of this Regulation,—

- (a) divide any district into subdivisions, or make any portion of a district a subdivision, and may alter the limits of a subdivision; and
- (b) place any Assistant Commissioner or Extra Assistant Commissioner in charge of one or more subdivisions of a district, and at any time remove him therefrom.

(2) An Assistant Commissioner or Extra Assistant Commissioner in charge of a subdivision shall be called the Subdivisional Officer.

Powers of
Subdivi-
sional Offi-
cers.

126. (1) A Subdivisional Officer shall, in addition to any other powers conferred on him by or under this Regulation, have the following powers of a Deputy Commissioner, namely:—

- (a) power to dispose of cases of gain by alluvion or by dereliction of a river, and loss by diluvion under section 34;
- (b) power to enquire into and report on revenue-free holdings and to assess revenue on resumed lands under Chapter III, Part E;
- (c) the powers conferred by sections 50 to 58 (both inclusive) in respect of registration;
- (d) power to attach and sell moveable property belonging to defaulters under Chapter V; and,
- (e) subject to the confirmation of the Deputy Commissioner, power to receive applications and do all that is necessary for effecting partition and union of estate under Chapter VI.

* * * The words "subject to the control of the Governor General in Council" were omitted by section 2 of the Devolution Act XXXVIII of 1920.

(2) The Chief Commissioner may confer on any Subdivisional Officer all or any of the other powers of a Deputy Commissioner under this Regulation.

127. The Chief Commissioner may confer upon Assistant Commissioners and Extra Assistant Commissioners not in charge of subdivisions of districts all or any of the powers conferred by or under this Regulation on Subdivisional Officers in such cases or classes of cases as the Deputy Commissioner of the district may, from time to time, refer to them for disposal.

Power to Invest Assistant Commissioners, etc., not in charge of subdivision with special powers.

128. (1) All Revenue-officers in a district shall be subordinate to the Deputy Commissioner, and shall exercise all powers conferred on them by or under this Regulation subject to his control.

Subordination of Revenue-officers.

(2) Subject to the general control of the Deputy Commissioner, all Revenue-officers other than the Subdivisional Officer, in a subdivision of a district, shall, unless the Chief Commissioner otherwise directs, be subordinate to the Subdivisional Officer, and shall exercise all powers conferred on them by or under this Regulation subject to his control.

(3) Subject to the general control of the Chief Commissioner, all Revenue-officers in a district which is included in a Commissioner's division shall be subordinate to the Commissioner and shall exercise all powers conferred on them by or under this Regulation subject to his control.

129. (1) Subject to any rules which the Chief Commissioner may make in this behalf, a Deputy Commissioner or Subdivisional Officer may refer any case to any Revenue-officer subordinate to him for investigation and report, or, if that officer has power to dispose of the case, for disposal.

Power to distribute work.

(2) Subject as aforesaid, a Deputy Commissioner may direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate and report on the case or class of cases, or, if he has power, dispose of it himself.

(3) A subordinate Revenue-officer shall submit his report on any case referred to him under this section for report to the officer referring it, or otherwise as may be directed in the order of reference; and the officer receiving the report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold the investigation himself.

Power of
superior
revenue
authorities
to with-
draw and
transfer
cases.

130. The Chief Commissioner or a Commissioner, Deputy Commissioner, or Subdivisional Officer may withdraw any case pending before any Revenue-officer subordinate to him, and either dispose of it himself, or refer it for disposal to any other Revenue-officer subordinate to him and having power to dispose of the same.

Powers of
officers
transferred
to another
district.

131. Whenever any Revenue-officer who has been invested with any powers under this Regulation in any district or subdivision is transferred to another district or subdivision, he shall, unless the Chief Commissioner otherwise directs, be held to be invested with the same powers in the district or subdivision to which he is so transferred.

Provision
for dis-
charge
duties of
Deputy
Commis-
sioner dy-
ing or be-
ing dis-
abled.

132. When a Deputy Commissioner dies or is disabled from performing his duties, such officer as the Chief Commissioner may by rule direct shall take executive charge of his district, and shall be deemed to be a Deputy Commissioner under this Regulation until a successor to the Deputy Commissioner so dying or disabled is appointed, and that successor takes charge of his office or until the person so disabled resumes charge of his office.

Part B.—Settlement and Survey-officers.

Appoint-
ment of
Settlement
officers.

133. (1) The Chief Commissioner may appoint a Settlement-officer to be in charge of the settlement of any local area or class of estates, and as many Assistant Settlement-officers as he thinks fit; and all Assistant Settlement-officers so appointed shall be subordinate to the Settlement-officer.

(2) The Chief Commissioner may suspend or remove any officer appointed under this section.

Appoint-
ment of
Survey-
officers.

134. (1) The Chief Commissioner may appoint a Survey-officer to be in charge of the survey of any local area or class of estates and as many Assistant Survey-officers as he thinks fit; and all Assistant Survey-officers so appointed shall be subordinate to the Survey-officer.

(2) The Chief Commissioner may suspend or remove any officer appointed under this section.

Powers of
Settlement-
officer.

135. A Settlement-officer shall, in addition to any other powers conferred on him by or under this Regulation, have in the local area or class of estates under settlement—

(a) all the powers conferred by Chapter III, Part B, on a Deputy Commissioner; and

(b) when a survey does not form part of the settlement, all the powers conferred by Chapter III, Part B, on a Survey-officer.

136. An Assistant Settlement-officer and Assistant Survey-officer shall have all the powers conferred by this Regulation on a Settlement-officer and Survey-officer, respectively, subject to such restrictions as the Settlement officer or Survey-officer may, from time to time, impose:

Powers of Assistant Settlement-officers and Assistant Survey-officers.

Provided that no Assistant Settlement-officer shall, unless specially empowered by the Chief Commissioner, have power—

- (a) to frame proposals for assessment under section 30;
- (b) to exclude persons under sections 35 and 36 for refusal to accept settlement; or
- (c) to assess land which the Chief Commissioner has under section 45, sub-section (2), declared liable to assessment.

137. The Chief Commissioner may invest any Settlement-officer, Survey-officer, Assistant Settlement-officer, or Assistant Survey-officer with all or any of the powers of a Deputy Commissioner under this Regulation, within such limits, and with such restrictions, and for such period, as he thinks fit.

Investing of Settlement-officers with special powers.

138. (1) At any time during the currency of a settlement the Chief Commissioner may invest any officer with all or any of the powers of a Settlement-officer or Survey-officer under this Regulation, within such limits, and with such restrictions, and for such period, as he thinks fit.

Exercise of powers of Settlement-officer or Survey-officer by other officers.

(2) If no Settlement-officer or Survey-officer is appointed, and no officer is invested with the powers of a Settlement-officer or Survey-officer under sub-section (1), the Deputy Commissioner and Subdivisional Officer (if any) shall have all the powers conferred by this Regulation on a Settlement officer or Survey-officer as the case may be.

Part C.—Mode of conferring and withdrawing powers.

139. (1) In conferring powers under this Regulation the Chief Commissioner may * * * empower persons by name or classes of officials generally by their official titles, and may vary or cancel any order conferring such powers.

Conferring and withdrawing of powers.

(2) The Chief Commissioner may withdraw from any officer the powers conferred on him by this Regulation.

* * * The words "subject to such rules as the Governor General in Council may make in this behalf" were omitted by section 2 of the Devolution Act XXXVIII of 1920.

CHAPTER VIII.

PROCEDURE.

Place for holding court.

140. Subject to the orders of the Chief Commissioner—

(a) a Commissioner of a division may hold his Court at any place within his division ;

(b) a Deputy Commissioner, an Assistant Commissioner, or Extra Assistant Commissioner (whether in charge or not of a subdivision of a district), a Settlement-officer, and Assistant Settlement-officer, a Survey-officer, and an Assistant Survey-officer, may hold his Court at any place within the limits of the district or subdivision to which he is appointed.

Power to summon persons to give evidences, etc.

141. (1) The Chief Commissioner and any officer mentioned in section 140 may summon any person whose attendance he considers necessary for the purposes of any investigation or other business before him conducted under this Regulation.

(2) All persons so summoned shall be bound to attend either in person or by authorised agent as such officer may direct ;

and to state the truth upon any subject respecting which they are examined ;

and to produce such documents and other things as may be required.

Power to fine person summoned for non-attendance.

142. If any person fails to comply within the time fixed by a notice served on him with any requisition made upon him under section 141, the officer making the requisition may impose upon him such daily fine as he thinks fit, not exceeding fifty rupees, until the requisition is complied with :

Provided that whenever the amount levied under an order under this section passed by an officer other than the Commissioner or the Chief Commissioner exceeds five hundred rupees, the Deputy Commissioner shall report the case to the Commissioner, or if there is no Commissioner, to the Chief Commissioner, and no further levy in respect of the fine shall be made otherwise than by authority of the Commissioner or Chief Commissioner, as the case may be.

143. (1) The Chief Commissioner, a Commissioner of a Division, a Deputy Commissioner, a Subdivisional Officer, a Settlement-officer, or an Assistant Settlement-officer, a Survey-officer, or an Assistant Survey-officer may, with the consent of the parties, refer any dispute before him to arbitration.

Power to refer disputes to arbitration.

(2) In all cases referred to arbitration the procedure laid down in the Code of Civil Procedure in force for the time being shall be followed so far as applicable, and the officer referring the case shall discharge the functions of the Civil Court.

144. All fees, rents, fines, costs, and other money payable under this Regulation, or under rules made by the Chief Commissioner under this Regulation, shall be recoverable as an arrear of land revenue.

Recovery of fines and costs.

144A * All rents, fees, and royalties due to the Government for the use or occupation of land or water (whether the property of the Government or not) or on account of and products thereof and all moneys falling due to Government under any grant, lease, security bond, or contract which provides that they shall be so recoverable, may be recovered under this Regulation in the same manner as an arrear of land revenue.

Recovery of rents, fees, royalties, and of moneys due to Government in certain cases.

145. If a Deputy Commissioner has reason to believe that a Revenue-officer subordinate to him, who has collected any sum due under this Regulation, has absconded, or is about to abscond, without accounting for such sum, he may issue a warrant for the apprehension of the officer, and proceed against him, or cause proceedings to be instituted against him under Chapter V, as if he were a defaulter in the amount so collected.

Proceedings against defaulting Revenue-officers.

146. Any person who has become liable for any amount as surety for a defaulter or Revenue-officer, may be proceeded against in the manner prescribed in Chapter V as if he were a defaulter in such amount.

Proceedings against sureties of defaulters or revenue-officers.

147. Appeals shall lie under this Regulation as follows:—

Officers to whom appeals lie.

(a) to the Chief Commissioner, from any original or appellate order passed by a Commissioner;

- (b) to the Chief Commissioner, from any order, original or appellate, passed by a Deputy Commissioner of a district not included in any division of a Commissioner or by a Settlement-officer in any such district ;
- (c) to the Commissioner, from orders, original or appellate, passed by a Deputy Commissioner, Settlement-officer, or Survey-officer ;
- (d) to the Deputy Commissioner, from orders passed by a Subdivisional Officer, an Assistant Commissioner, or Extra Assistant Commissioner ; and from orders, original or appellate, passed by a Survey-officer, in a district not included in any division of a Commissioner ;
- (e) to a Settlement-officer, from orders passed by an Assistant Settlement-officer ;
- (f) to a Survey-officer, from orders passed by an Assistant Survey officer ;

Provided that no appeal shall lie against the following orders :—

- (g) orders of an Assistant Settlement-officer or Assistant Survey-officer under sections 21 and 22 ;
- (h) orders of a Survey-officer or Settlement-officer—
- (1) under sections 21, 22 and 24 ;
 - (2) apportioning the expenses of erecting and repairing boundary-marks in accordance with rules made under section 27 ;
- (i) orders of a Survey-officer, Settlement-officer, or Deputy Commissioner, original or appellate, imposing or confirming a fine not exceeding fifty rupees ;
- (j) orders of a Commissioner imposing a fine not exceeding one hundred rupees ;
- (k) any decision given in accordance with an award of arbitrators appointed under section 143, except in the case of fraud or collusion ;
- (l) orders under section 148, admitting an appeal after the period of limitation has expired ;
- (m) orders expressly declared by this Regulation to be final subject to the provisions of section 151.

148. (1) Unless otherwise specially provided in the Regulation, or in rules issued under this Regulation,— Limitation of appeal.

- (a) no appeal under section 147, clauses (d), (e) and (f) shall lie after the expiration of thirty days from the date of the order appealed against ;
- (b) no appeal under the same section, clause (c), shall lie after the expiration of six weeks from the date of the order appealed against ;
- (c) no appeal under the same section, clauses (a) and (b), shall lie after the expiration of two months from the date of the order appealed against.

(2) In computing the period prescribed for an appeal by this section, the day on which the order appealed against was passed, and the time requisite for obtaining a copy of such order, shall be excluded.

(3) An appeal may be admitted after the period of limitation prescribed therefor by this section when the appellant satisfies the officer to whom he appeals that he had sufficient cause for not presenting the appeal within that period.

149. The officer to whom the appeal lies may reject the appeal without hearing the respondent (if any) ; if he admits the appeal he may reverse, modify, or confirm the order appealed against, or he may direct such further investigation to be made or such additional evidence to be taken as he may think necessary, or he may himself take such additional evidence. Procedure of Appellate Court on appeal.

150. In any case in which an appeal is admitted the Appellate Court may, if it thinks fit, pending the result of the appeal, direct the order appealed against to be suspended. Suspension of order appealed against.

151. The Chief Commissioner, a Commissioner, a Deputy Commissioner, a Settlement-officer, and a Survey-officer may call for the proceedings, held by any officer subordinate to him, and pass such orders thereon as he thinks fit. Power to call for proceedings of subordinate officers.

152. The Chief Commissioner may make rules consistent with this Regulation to regulate the procedure of officers in the discharge of any duty imposed on them by or under this Regulation, and may by such rules confer upon any officer any power exercised by a Civil Court in the trial of suits. Power to make Rules.

CHAPTER IX.

MISCELLANEOUS.

Proceedings under this Regulation unaffected by mistake, misdescription or irregularity.

153. (1) No proceedings under this Regulation shall be affected by reason of any mistake in the name of any person thereby rendered liable to pay any sum of money, or in the description of any estate in respect of which he is rendered liable to pay, or by reason of any other informality, provided that the provisions of this Regulation, and of the rules passed under this Regulation have been substantially complied with.

(2) No proceedings under this Regulation shall be affected by reason of any irregularity or omission in the publication or service of any notice or proclamation thereunder, unless it is proved that some material injury was caused by such irregularity or omission.

Matters exempted from cognizance of Civil Court.

154. (1) Except when otherwise expressly provided in this Regulation, or in rules issued under this Regulation, no Civil Court shall exercise jurisdiction in any of the following matters :—

- (a) questions as to the validity or effect of any settlement or as to whether the conditions of any settlement are still in force ;
- (b) questions as to the amount of revenue, tax, cess, or rate to be assessed ; and the mode or principle of assessment ;
- (c) the formation of the record-of-rights, or the preparation, signing, or alteration of any document contained therein ;
- (d) claims of persons to perfect partition ;
- (e) claims of persons to imperfect partition, except in cases in which a perfect partition could not be claimed from, and has been refused by, the revenue authorities on the ground that the result of such partition would be to form a separate estate liable for an annual amount of revenue less than five rupees ;
- (f) the distribution of the land or allotment of the revenue on partition ;