

**LATEST CASE LAW ON  
PUNJAB LAND REVENUE ACT, 1887**

Constitution of India 1950, Articles 226, 227-Quasi judicial order-Requirement of reasoning-Financial Commissioner accepting the recommendations of Commissioner without elucidating reasons which persuaded him to arrive at a conclusion for or against the matter in issue-Order quashed as it was devoid of any reasons- Held, To assigns reasons for conclusion arrived at is integral to the system of administration of justice-Matter remitted back for adjudication afresh.; **Bhagwana v. Financial Commissioner Haryana : 2005(3) LAW HERALD (P&H) 140**

Constitution of India, 1950, Article 226-'Sanand Takseem'(Deed of Partition)-Partition proceedings stood concluded-Sanand Takseem attained finality-Petitioner impugned the partition proceedings, namely the nature of land, change of possession, providing or non providing the paths- Whether it can be adjudicated upon in the exercise of writ jurisdiction? NO-Held, Pure questions of fact cannot be adjudicated upon, in the exercise of jurisdiction under Article 226 of the Constitution- The High Court while exercising its writ jurisdiction, would confine itself to examine any legal infirmities in the proceedings.; **Ranbir Singh v. The Financial Commissioner, Haryana : 2005(4) LAW HERALD (P&H) (DB) 176**

Sections 13 & 16- Acquiescence-Revision-Locus standi- LambardarAppointment of- Once the person had acquiesced with order of collector, appointing other or lambardar, then merely the order was reversed by Commissioner appointing some other person, would not entitle to challenge the appointment by commissioner, at the instance of others.; Ashwani Kumar v. **Financial Commissioner Appeals-I, Punjab and others : 2005(2) Land L.R. (Pb. & Hry.) (DB) 304**

**Sections 13 and 118-** Appeal-Delay in filing appeal-Limitation- -Partition of suit land-Mutation sanctioned a year ago-Delay of one year and 9 months condoned-No reason given for condonation of delay-Held, Collector was not justified in condoning the delay.; **Jit Singh v. Mehar Singh and Others: 2005(2) Land L.R. (F.C. Punjab) 558**

**Section 15-** Lambardar-Appointment of--Inter-se merits of the candidates cannot be reconsidered by the Appellate or the Revisional authorities.; **Jog Dhian v. Financial Commissioner & Ors.: 2005(1) Land LR. (Pb.&Hry.) (DB) 657**

**Section 15-**Review- Review of order passed by the Financial Commissioner- Held, order of the Financial Commissioner does not call for any review- Proper remedy for the review petitioner is to file a petition before the High Court.; **Joginder Pal and others v. Narinder Kumar and others: 2005(3) Land L.R. (F.C. Punjab) 58**

**Section 15(c)-**Lambardar-Appointment of-Review-Power of Financial Commissioner-Financial Commissioner had no jurisdiction to review his order without issuing notice to the other party.; **Jog Dhian v. Financial Commissioner and others: 2005(1) Land L.R. (Pb. & Hry.) (DB) 657**

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**Section 15(c)**- Lambardar-Appointment of-Choice of Collector- Held, choice of the Collector in the matter of appointment of Lambardar is to be considered final and can be set at naught only if title same is against the r; lies or is per/erse; **Jog Dhian v. Financial Commissioner and others: 2005(1) Land L.R. (Pb. & Hr;') (D'3) 657**

**Section 15(c)** -- Lambardar-Appointment of-'H' appointed as Lambardar by Collector-C om missioner and Financial Commissioner reverse? the apPOIntment( ••... on ground that 'H' was accused in murder case and remained in custody for one . and half year-They appointed 'J' as Lambardar-In writ, on appreciation 0, evidence, it was found that it was actually 'J' who was accused in murder case I and not 'H'-Order of Collector appointing 'H' as lambardar restored.; **Jog Dhian v. Financial Commissioner and others: 2005(1) Land L.R. (Pb. & Hry.) (DB) 657**

**Section 16**-Partition-Question of title-During pendency of suit petitioner died-No body came to substitute on behalf of petitioner-It is necessary to dispose off reference by collector by on appropriate order-Held, Assistant . Collector 1 st Grade was required to properly adjudicate the question of title by hearing the parties and he should have decided whether he should proceed as a revenue court under the provisions of Punjab Tenancy Act, 1887 or he should have allowed the civil court to use their jurisdiction- Ordered accordingly.; **Kartar Singh v. Gurmukh Singh and others : 2005(1) Land L.R. (F.G., Punjab) 282**

**Section 16**-Khasra Girdawari-Correction of-During pendency of civil suitCannot be done by revenue authorities-In instant case, stay order against dispossession of petitioners~Revenue Authorities cannot make correction in Khasra Girdawari till final decision of Civil Court.; **Sat Pal Singh v. Jarnail Singh : 2005(1) Land L.R. (F.G., Punjab) 354**

**Section 16**-Partition-Premature proceedings-"Naqsha Zeem" not prepared and finalized-Held, Revision dismissed in Liminie-AC 1st Grade was directed to draw the 'Naqsha Zeem' without taking cognizance of the findings of Collector as it still remains to be prepared at his level.; **Balbir Kaur and another v. Resham Singh and another: 2005(1) Lcmd L.R. (F.G., Punjab) 389**

**Section 16**-Civil Procedure Code, 19G8-Order 47 Rule 1-Review- Scope of-Order by earlier F.C. was well-reasoned and clear, did had accepted earlier revision partly-Review of order of predecessor, not sustainable-Held, A different Financial Commissioner could have decided the case in a different manner, but that is no reason to review the order of the previous incumbent-The petitioner should have preferred an appeal instead of a review. ; **Balwinder Kaur v. Gurmit Kaur : 2005(2) Land L.R. (F.G. Punjab)1184**

**Section 16**-Partition-Service on parties:-Whether service on parties was effected properly or not-Collector found that not clear from interlocutory orders whether service to parties was proper or not-Commissioner came to the conclusion-Service to parties was proper-Held, case remanded to Asstt. Collector to call concerned parties and take a fresh decision in the matter.: **Pal Singh v. Joginder Singh: 2005(2) Land L.R. (F.G. Punjab) 296**

**Section 16**-Village Lambardar-Dismissal of Lambardar-Wrong attesting of age-Substantive and important question involved in age-Identified age of 19

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years age of the person was only 15 years--Held, a Lambardar need not know the exact age of every person whose identity he is attesting-But such a difference between 15 and 19 is patently evident-Since he chose to ignore the difference, it can be inferred that he has done deliberately- -Appointment of a minor is illegal, **Pal Singh v. Nacl1hattar Singh . 2005(2) Land L.R. (F.e. Punjab) 638**

**Section 16--** Review- Different Revenue Officers decided case in different manners-Can it be a ground for review ? Held NO--Once an order on review application has been passed whether accepting or rejecting the application, it cannot be reviewed-An appeal should be preferred instead of a review:

**Balwinder Kaur v. Gurmit Kaur : 2005(2) Land L.R. (FC, Pb.) 734**

**Section 16-** Review-Mode of partition-ReviSion of-Held, No provision in law once the period of appeal has expired-Can only be reviewed with the consent of parties--Assistant Collector 1st Grade could review his order only with the permission of the Collectr.; **Balwinder Kaur v. Gurmit Kaur : 2005(2) Land L.R. (Fe, Pb.) 734**

**Section 16--**Punjab Land Revenue Rules, Rule 15-Appointment of Lambardar-Clairn of petitioner found more mentorious on the following grounds

- (a) He owns 23K-14 M of land in the village;
- (b) His family served the nation and his uncle was killed in 1962 in China war; (d) He is a social worker and Matriculate,
- (e) He is engaged in agricultural operations and IS also available to the village community
- (f) He is the youngest of all the candidates.; **Amarjit Singh v. Palwinder Singh and others: 2005(3) Land L.R. (F.e. Punjab) 74**

**Section 16-** Appointment of Lambardar-All the candidates on similar meritsHeld, preferential treatment to be given to one who has served the nation.:

**Jhalnian v. Naranjan Oass : 2005(3) Land L.R. (F.C. Punjab) 78**

**Section 16-** Appointment of Nambardar-Out of two candidates, a person aged 50 years and educated upto 8th standard, preferred to another person aged 70 years-Earlier also he was Nambardar but due to his unfitness left the Nambardari.; **Shiv Singh v. Kulbir Singh: 2005(3) Land L.R. (F.C. Punjab) 239**

**Section 16-** Appointment of Nambardar-Whether two members of a family can be appointed as Nambardars ? Held, There is no specific bar to appointing two persons of the same family as Nambardars in the same village. ; **Shiv Singh v. Kulbir Singh: 2005(3) Land L.R. (F.C. Punjab) 239**

**Sections 16 and 111-**Partition proceedings-Service of notice by MunadiHeld, the absence of the signatures of the lambardar or member panchayat are not mandatory under the law-The only intention as that the munadi was made in the village in the presence of respectable persons-The fact that a report had been duly entered in the Roznamcha Wakaiti by the patwari and the munadi report signed by the patwari and the chowkidar is sufficient proof of the fact that the munadi was made in the village: **Jai Ram v. Sadhu : 2005(2) Land L.R. (F.C. Punjab) 217**

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**Section 16(1)**- Appointment of Village Lambardar-Out of candidates one is 57 years of age middle pass but did not produce certificate- Another is a 35 years graduate and is an insurance agent and most of the time runs a shop- village-Third candidate is 41 years of age Matriculate and is running a shop-- Matriculate candidate appointed as Lambardar In preference to other candidate- No interference required.; **Jasvir Singh v. Harpal Singh : 2005(2) Land L.R. (FC, Pb.) 735**

**Section 19**-Service Law-Respondent was appointed as Patwari and he submitted school leaving certificate showing his date of birth as 1.10.1934- Termination after holding enquiry where date of birth of the respondent was found 25.11.1931-In appeal Commissioner modified order and respondent's was reduced by one stage in his running grade-Suit for declaration that date of birth of the plaintiff-respondent recorded in service book as ~. ~ 0.1934 ~as correct and for setting aside the punishment-Suit dismissed by Civil court--First appellate Court found that material did not show there was any change in true date of birth and Court decreed the suit-Second appeal filed by appellant was dismissed on ground that no substantial question of law was involved-AppealOriginal school leaving certificate produced by the school showed that date of birth. recorded was 25.11.1931- School leaving certificate produced by respondent at the time of appointment was found to have been forged during enquiry- Horoscope relied upon by respondent during enquiry could not be said to be an acceptable evidence in absence of a person who prepared it to prove it- School record was of more probative value than the horoscope- First appellate Court acted on irrelevant material-Suit was rightly dismissed by trial Court; **State of Punjab v. Mohinder Singh : 2005(2) Land L.R. (Supreme Court) 16**

**Sections 31, 32 and 33**-Mutation-Mutation Sanctioned on the basis of registered sale deed-Whether valid? Held, there are sufficient grounds for sanctioning mutation on the basis of registered sale deed-Held, further legal issues are not to be gone into by the Revenue Officers-Other issues-For other issues parties to approach civil court.; **Harjit Singh v. Ludhiana Sant Fateh Singh Nagar Co-op. House: 2005(3) Land L.R. (F.C. Punjab) 116**

**Sections 34 and 37**-Mutation-Sanction of PW-Inordinate delay- Sale deed not produced by vendee for more than 20 years to revenue authorities for entry of the mutation-Intricate question of law involved on account of inordinate delay-To establish bona fide of sale deed, parties should approach Civil Court to seek verdict on sale deed.; **Dhan Kaur v. Teja Singh: 2005(1) Land L.R. (F.C., Punjab) 249**

**Sections 34 and 37**- Sanction of Mutation-Acquisition proceedings-Rights to land have clearly been settled upto the Supreme Court in favour of respondent- Held, Petitioner has no right over the suit land- Held, further no grounds for denying the mutation of land in favour of the respondent; **Gajjan Singh v. Chairman, The Ludhiana Improvement Trust, Ludhiana : 2005(2) Land L.R. (FC, Punjab) 688**

**Section 38**-Mutation- -Challenged-Proper Course-Held, the mutation about change of ownership became contested, the moment appeal was preferred against the order AC. IIInd Grade dated 3- 10-1995-The appropriate course of

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action for Collector Sub- Division would have been to declare it as contested and remand it to AC. 1st Grade so as to grant opportunity to the concerned parties to lead their evidence both documentary and as well as oral before deciding the mutation; **Prem Chand and another v. Gram Panchayat, village Bhat Majra and others. : 2005(2) Land L.R. (F.C. Punjab) 306**

**Section 42**-East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1984-Section 42-Claim for exclusive ownership- Civil Court and Revenue Court held in earlier suits that plaintiffs were not exclusive owner of suit land-Revenue authority allowed the claim-Held, Revenue authority has no jurisdiction to ignore findings of competent Civil court and Revenue Court and decide to contrary-Powers under Section 42 are limited and can be exercised only if there exists some defect in effecting the repartition and not otherwise; **Piara Singh v. Additional Director, Consolidation of Holdings, Punjab and others : 2005(3) Land L.R. (Pb. & Hry.) 79**

**Section 42**-East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1984-Section 42-Claim for exclusive ownership- Civil Court and Revenue Court held in earlier suits that plaintiffs were not exclusive owner of suit land-Revenue authority allowed the claim-Held, Revenue authority has no jurisdiction to ignore findings of competent Civil court and Revenue Court and decide to contrary-Powers under Section 42 are limited and can be exercised only if there exists some defect in effecting the repartition and not otherwise.; **Piara Singh v. Additional Director, Consolidation of Holdings, Punjab: 2005(3) LAW HERALD (P&H) 626**

**Section 44**-Civil Procedure Code, 1908-Order 41, Rule 27- Additional evidence-Required to be produced is jamabandi and Khasra Girdawri-No justifiable cause to allow the prayer- Document now sought to be produced were in the knowledge of the appellant and could have been produced earlier also-Presumption of truth is attached to the Revenue entries BUT these entries are not conclusive proof-Permission denied.; **Harinderpal Singh v. Rani (since dead) through her LRs. : 2005(2) Land L.R. (Pb. & Hry.) 248**

**Section 66-A** statement of account certified by a revenue official is considered to be proof of the existence of arrears of land revenue of its amount and of the person who is the defaulter.; **Maharashtra Agro Pvt. Ltd. v. State of Haryana and others: 2005(3) Land L.R. (Pb. & Hry.) (DB) 241**

**Section 66**-Haryana Local Area Development Tax Act, 2000- Section 72(4)-Arrears of tax-Non-payment-Attachment of property-Order of attachment not revoked, even on payment of total amount assessed on ground that interest amount was still recoverable-Plea, held to be not tenable as amount of interest was not demanded as per Section 66 of Land Revenue Act.; **Maharashtra Agro Pvt. Ltd. v. State of Haryana & ors : 2005(3) Land L.R. (Pb. & Hry.) (DB) 241**

**Section 66**-Haryana Local Area Development Tax Act, 2000- Section 72(4)-Arrears of tax-Non- payment-Attachment of property-Order of attachment not revoked. even on payment of tOlal amount assessed on ground that interest amount was still recoverable-Plea, held to be not tenable as amount of interest was not demanded as per Section 66 of Land Revenue Act.; **Maharashtra Agro Pvt. Ltd. v. State of Haryana : 2005(3) LAW HERALD (P&H) (DB) 658**

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**Section 66-A** statement of account certified by a revenue official is considered to be proof of the existence of arrears of land revenue of its amount and of the person who is the defaulter; **Maharashtra Agro Pvt. Ltd. v. State of Haryana : 2005(3) LAW HERALD (P&H) (DB) 658**

**Sections 111 and 16**-Partition'-During pendency of civil Court- Nothing on record to show, matter pending before Civil Court related to title or any stay was granted-Direction issued to proceed with partition proceedings.; **Krishanjeet Kaur and another v. Jasdeep Singh: 2005(1) Land L.R. (F. C., Punjab) 375**

**Sections 111 and 16**-Partition proceedings-Reopening of, after 37 yearsHeld, If such applications are entertained at such a belated stage, there will be no limitation to litigation and no order will ever attain finality-Petition dismissed.; **Narinder Pal Kaur and another v. Manjit Singh: 2005(1) Land L.R. (F.e., Punjab) 411**

**Sections 111 and 16**-Partition-Not in accordance with 'Mode of PartitionCase remanded by Commissioner (Appeals) to AC.I grade for fresh redetermination-Held, Order calls no interference as petitioner would get more than adequate opportunity to file an appeal before the competent authority.; **Pohu @Pohu Singh v. Commissioner (Appeals) Patiala Division, Patiala : 2005(2) Land L.R. (F.e. Punjab) 300**

**Section 116-** Partition-Exparte Order-In appeal, case remanded back for fresh decision-As per report of Mushtri Munadi" respondent was duly servedOrder of remanding case back, set aside.; **Kulwant Singh v. Amar Singh and others: 2005(2) Land L.R. (F.e. Punjab) 318**

**Section 116-** Partition-In earlier partition, suit was decreed, but instrument of sanad was not issued and no change was made in revenue recGrds-Held, Fresh partition can be carried. out on a subsequent date on the basis of fresh application-No relevance of earlier partition and it would not come in way of fresh partition.; **Bikram Singh and another v. ehajju Singh and others: 2005(2) Land L.R.(F.e. Punjab) 373.**

**Sections 116 and 117**-Partition-Exparte award-Opportunity of hearing objections' of defendants were not considered by AC-I, as defendant were ! allowed to join from date of decision-Held, Acceptance or rejection of the objections is subject matter of merits, but the denial of consideration of the objections clearly amounts to denial of justice-Case remanded to be decided afresh after giving opportunity of being heard, **Paramjit Singh and others v. Sampuran Kaur and others: 2005(2) Land L.R. (F.e. Punjab) 261**

**Sections 116 and 117**-Partition-Ex-parte proceeding-Partition proceeding filed against dead person-Legal heirs were impleaded at a later stage- -No proper service of summon on defendant-Name of deceased was mentionedAward qua some other land was also passed-Exparte order set aside for fresh decision; **Mohinder Singh and others v. Jagir Singh and others : 2005(2) Land L.R. (F.e. Punjab) 263**

**Sections 135 and 136**-Mutation on the basis of Will-Unregistered Will-Held, Once a Will had been taken to be proved in one village-It cannot be treated as unproved in another village- Mutation has to be decided on the basis of unregistered Will.; **Jeeto v. Amar Kaur : 2005(3) Land L.R. (F.C. Punjab) 83**

THE PUNJAB' LAND REVENUE ACT, 1887

ACT NO. XVII of 1887

An Act to Amend and Declare and Land Revenue Law of the Punjab.

Whereas it is expedient to amend and declare the law in force in the Punjab with respect to the making and maintenance of records-of-rights in land, the assessment and collection of land revenue and other matters relating to land and the liabilities incidental thereto, it is hereby enacted as follows:

CHAPTER 1  
PRELIMINARY

1. **TITLE, EXTENT AND COMMENCEMENT-**(1) This Act may be called the Punjab Land Revenue Act, 1887.

(2) It extends to the territories administered by the State Government of Punjab including the pargana of Spiti, but not so as to affect otherwise than as expressly provided by this Act, any Regulation in force under the provisions of the Statute 33, Victoria Chapter 3, Section 1, in any portion of those territories;  
and

(3) It comes into force on such day as the State Government with the previous sanction of the Central Government, may by notification appoint in this behalf.

(4) Repealed by the Repealing and Amending Act, XII of 1911, section 2 and Schedule.

2. **REPEAL-**Repealed by the Repealing Act, 1938 (1 of 1938), Section 2 and Schedule.

3. **DEFINITIONS-** In this Act, unless there is something repugnant in subject or context,-

(1) "estate" means any area-

(a) for which a separate record of rights has been made : or

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(b) which has been separately assessed to land revenue, or would have been so assessed if the land revenue had not been released, compounded for or redeemed; or

(c) which the State Government may, by general rule or special order, declare to be an estate;

(2) "land-owner" does not include a tenant or an assignee of land revenue, but does include a person to whom a holding has been transferred, of an estate of holding has been let in farm, under this Act for the recovery of an arrear of land revenue of a sum recoverable as such an arrear and every other person not hereinbefore in this clause mentioned who is in possession of an estate or any share of portion thereof, or in the enjoyment of any part of the profits of an estate:

(3) "holding" means a share of portion of an estate held by one landowner or jointly by two or more landowners;

(4) "rent", "tenant", "landlord" and "tenancy" have the meanings, respectively, assigned to those words in the Punjab Tenancy Act, 1887;

(5) "pay" with its grammatical variations and cognate expressions, includes when used with reference to rent "deliver" and "render" with their grammatical variations and cognate expressions;

(6) "land revenue" includes assigned land revenue and any sum payable in respect of land by way of quit-rent or of commutation for service to the Government or to person to, whom Government has assigned the right to receive the payment;

(7) "arrear of land revenue" means land revenue which remains unpaid after the date on which it becomes payable;

Clause(8) as in Punjab

(8) 'defaulter' means a person liable for an arrear of a land revenue and includes a person who is responsible as surety for the payment of the arrear; and a village officer who collects the land revenue or any other sum recoverable as land revenue and does not pay the same to the State Government in accordance with the rules framed under the Act.

Clause (8) as in Haryana

(8) 'defaulter' means a person liable for an arrear of land revenue or any tax in lieu thereof land includes,-

(i) a person who is responsible for the payment of the arrear; and

(ii) a head man or any other person who has collected the land revenue or any tax in lieu thereof but has not deposited the same into the Government treasury;

(9) "rates and cesses" means rates and cesses which are primarily payable by land owners, and includes-

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(a) Repealed by the Repealing and Amending Act, 1891,

(b) the local rate, if any payable under the Punjab District Boards Act, 1883, and fee leviable under Section 33 of that Act from landowners for the use of or benefits derived from such works as are referred to in Section 20, clauses (i) and (j), of that Act;

<sup>1</sup>(c) any annual rate chargeable on owners of lands under section 59 of the Northern India Canal and Drainage Act, 1873;

(d) the 2()village officers ceases; and

(e) sums payable on account of village expenses;

(10) "village-cess" includes any cess, contribution or due which is customarily leviable within an estate and is neither a payment for the use of private property or for personal service nor imposed by or under any enactment for the time being in force;

(11) "village officer" means a chief-headman, headman or patwari:

(12) "Revenue Officer" in any provision of this Act, means a Revenue officer having authority under this Act to discharge the functions of a Revenue Officer under that provision;

(13) "legal practitioners" means any legal practitioner within the meaning of the legal Practitioners Act, 1879, except a mukhtiar;

(i4) "agricultural year" means the year commencing on the sixteenth day of June or on such other date as the State Government may notification appoint for any local area;

(15) "notification means" a notification published by authority of State Government in the Official Gazette;

(16) "encumbrance" means a charge upon or claim against land arising out of a private grant or contract;

(17) "survey mark." includes boundary-mark; and

(18) "Net assets" of an estate or group of estates means the estimated average annual surplus produce of such estate or group of estates remaining after deduction of the ordinary expenses of cultivation and ascertained or estimated.

Explanation: Ordinary expenses of cultivation include payments if any, which the landowner customarily bears whether in kind or in cash either in whole or in part in respect of-

(1) water rates,

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<sup>1</sup> This must not be confused with owner's rate imposed under section 37 of Act VIII of 1873,

<sup>2</sup> Words "Zaidari and" omitted by Punjab Act 27 of 64.

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- (2) maintenance of means of irrigation,
- (3) maintenance of embankments,
- (4) supply of seeds,
- (5) supply of manure,
- (6) improved implements of husbandry,
- (7) concessions with regard to fodder.
- (8) special abatements made for follows of Sad harvests,
- (9) cost of collection of rent,
- (10) allowance for shortage in collection of rent,

(11) interest charges payable in respect of advances made in cash, free of interest, to tenants for the purposes of cultivation:

(12) wages or customary dues to artisans or menials whose products or labour are utilised for the purposes of cultivation and harvesting.

and the share that would be retainable by a tenant if the land were let to a non-occupancy tenant paying rent, whether in cash or in kind at the normal rate actually prevalent in estate or group of estates.

18-A. "net letting value" of a site put to non-agricultural use means the estimated annual rent of the site remaining after deduction of-

(i) fair remuneration for the capital invested on buildings and machinery or both after deducting depreciation on their value;

(ii) house tax, property tax; and

(iii) maintenance charges not exceeding one month's gross rent as ascertained or estimated in the manner prescribed.

Explanation: where no reliable data regarding the cost of buildings and machinery on a site is forthcoming or is otherwise not available, valuation and depreciation shall be based on the standards of the Public Works Department of the Punjab State.

19. "Assessment Circle" means a group of estates which in the opinion of the Financial Commissioner, to be recorded in an order in writing are sufficiently homogeneous to admit of a common set of rates being used as a general guide in calculating the land revenue to be assessed upon them.

**4. EXCLUSION OF CERTAIN LAND FROM OPERATION OF ACT - (1)** Except so far as may be necessary for the record, recovery and administration of village cesses, nothing in this Act applies of land which is occupied as the site of village and is not assessed to land revenue.

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(2) A revenue Officer may define, for the purposes of this Act the limits of  
<sup>1</sup>(the site of a village);

<sup>2</sup>Explanation:- For the purpose of this section a site within the limits of a municipality or a notified area shall not be deemed to be the site of a village.

### Case Law

**Section 4(1)- Jurisdiction- Revenue Courts-Barred-Partition of land** Jurisdiction of the revenue court to partition the suit land was not excluded in view of the provisions of section 4( 1) of the Punjab Land Revenue Act which excluded applicability of the said Act. only for the sites in the village which were not assessed to land revenue.; **Dharam Pal & ors. v. Balwant Singh 2003(1) Land L.R (Pb &..Hry) 235**

**5 .. POWER TO VARY LIMITS AND ALTER NUMBER TO TEHSILS, DISTRICTS AND DIVISIONS -** The State Government may, by notification, vary the limits and alter the number of tehsils, district and divisions into which the State is divided .

## CHAPTER II REVENUE OFFICER

### Classes and Powers

6. There shall be following classes of Revenue Officers, namely:

- (a) the Financial Commissioner;
  - (b) the Commissioner;
  - (c) the Colledor;
  - (d) the Assistant Collector of the first grade; and
  - (e) The Assistant Collector of the second grade
- (2) The Deputy Commissioner of a district shall be the Collector thereof.

(3) The State Government may appoint any Assistant Commissioner, Extra Assistant commissioner or Tehsildar to be an Assistant Collector of the Assistant Collector for the second grade.

(4) Appointment under sub-section (3) shall be by notification and may be of a person specially by name or by virtue of his office or of move persons than one by any description sufficient for their identification.

(5) Subject to the provisions of this Act, the jurisdiction of the Financial Commissioner extends to the whole of the territories administered by the State Government of Punjab and of Commissioners and Collector and Assistant Collectors to the divisions and districts, respectively, in which they are for the time being employed.

Notes-Vide notification No. 731, dated 1 sl November, 1887, all Assistant Commissioners and Extra Assistant Commissioners who have not been invested with the powers of the Assistant Collector of the first grade have been appointed Assistant Collectors of second grade and vide Punjab Government Notification

<sup>1</sup>The words "town or" omitted by Act 9 of 1958, S.3

<sup>2</sup>"Explanation" added by Pb. Act. 9 of 1958

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No. 730 of the same date, all Tehsildars and Naib-Tehsildars have been appointed Assistant Collectors of second grade.

See also Notification No. 684 dated the 11th September, 1983, appointing all Assistant Commissioners and Extra Assistant Commissioners, who have been invested with the powers of a Magistrate of the first and second class under the Criminal Procedure Code and also with powers of a Munsif of the first or second class under the Punjab Courts Act as Assistant Collectors of the first grade.

**7. FINANCIAL COMMISSIONER:** (1) There shall be one or more Financial Commissioners, who shall be appointed by the State Government:

(2) Where more Financial Commissioners than one have been appointed, the State Government may make rules as to the distribution among them of business under this or any other Act, and by those rules require any case or class or classes of cases to be considered and disposed of by the Financial Commissioners collectively.

(3) When there is a difference of opinion among the Financial Commissioners as to any decree or order to be made in a case which they are required ruled under the last foregoing sub-section to consider and dispose .of collectively the following rules shall apply, namely:

(a) where the case is an appeal or a case on review or revision, it shall be decided in accordance with the opinion of the majority of the Financial Commissioners or, if there is no such majority which concurs in a decision modifying or reversing the decree or order under appeal, review or revision, that decree or order shall be affirmed; and

(b) where the case is not an appeal or a case on review or revision, the matter respecting which there is the difference of opinion shall be referred to the State Government for decision, and the decisions of that Government with respect thereof sha!1 be final.

(4) The expression "Financial Commissioner" in this or any other Act shall when there are more Financial Commissioners than one, be construed as meaning one or more of the Financial Commissioners as the rule for the time being in force under sub-section (2) may require.

(5) The Second Financial Commissioner appointed under Section 52 of the Punjab Courts Act, 1884 shall be deemed to have had jurisdiction on and after the first day of November, 1884 to make any decree or order or dispose of any other business which might have been made or disposed of by the other Financial Commissioners.

**8. APPOINTMENT OF COMMISSIONERS ANO OF DEPUTY ASSISTANT AND EXTRA ASSISTANT COMMISSIONERS:** - Commissioners, Deputy Commissioners, Assistant Commissioners and Extra Assistant Commissioners shall be appointed by the State Government.

**9. APPOINTMENT OF TEHSILDAR AND NAIB-TEHSILDAR-** The State Govt. shall fix the number of Tehsildars and Naib-Tehsildars to be appointed.

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**10. POWERS OF REVENUE OFFICERS** - Except where the class of the Revenue Officer by whom any function is to be discharged is specified in this Act, the State Government may by notification, determine the functions, to be discharged under this Act, the State Government may by notification, determine the functions, to be discharged under this Act by any class of Revenue Officers.

Administrative Controls

**11. SUPERINTENDENCE AND CONTROL OF REVENUE OFFICERS –**

(1) The Financial Commissioner shall be subject to the control of the State Government.

(2) The general superintendence and control over all other Revenue Officers shall be vested in, and all such officers shall be subordinate to, the Financial Commissioner.

(3) Subject to the general superintendence and control of the financial Commissioner, a Commissioner, shall control all other Revenue Officers in his division.

(4) Subject as aforesaid and to the control of the Commissioner a Collector shall control all other Revenue Officers in his district.

**12. POWER TO DISTRIBUTE BUSINESS AND WITHDRAW AND TRANSFER CASE - (1)** The Financial Commissioner or a Commissioner or Collector may by written order distribute, in such manner as he thinks fit, any business cognizable by any Revenue Officer under his control

(2) The Financial Commissioner or a Commissioner or Collector may withdraw any case pending before any Revenue officer under his control, and either dispose of it himself or by written order refer it for disposal to any other Revenue Officer under his control.

(3) An order under sub-section (1) or sub-section (2) shall not empower any officer to exercise any powers or deal with any business which he would not be competent to exercise or deal with in the local limits of his own jurisdiction.

Appeal, Review and Revision

**13. APPEALS-** Save as otherwise provided by this Act, an appeal shall lie from an original or appellate order of a Revenue Officer as follows, namely:

(a) to the Collector when the order is made by an Assistant Collector of either grade;

(b) to the Commissioner when the order is made by, a Collector;

(c) to the Financial Commissioner when the order is made by a Commissioner;

Provided that-

(i) when an original order is confirmed on first appeal a further appeal shall not lie;

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(ii) when any such order is modified or reversed on appeal by the Collector the order made by the Commissioner on further appeal. if any, to him shall be final.

**Case Law**

**Section 13-** Appointment of Lambardar-Appointment set aside by Commissioner in appeal as appointee was found to be defaulter of house-tax-Held-Order of appointment restored as issue of house tax not raised in lower Courts and does not merit consideration at this stage.; **Abdul Rahim v. Aas Mohamad 2003(1) Land L.R. (F.C. Hry) 216**

**S. 13-** Appointment of Lambardar-Lambardari appeal-It is well- settled law that in the appointment of Lambardar the Collector of the District has normally the final word and his decision should not be interfered with unless, it is established that the orders were grossly perverse and against the provisions of the Act.: Gurnam Singh v. Lachhman Singh 2003(1) Land LR. (F.C. Hry) 224

**14. LIMITATION FOR APPEALS** - Save as otherwise provided by this Act the period of limitation for an appeal under the last foregoing section shall run from the date of the order appealed against, and shall be as follows, that is to say:

- (a) when the appeal lies to the Collector-thirty days;
- (b) when the appeal lies to the Commissioner-sixty days;
- (c) when the appeal lies to the Financial Commissioner-ninety days.

**15. REVIEW BY REVENUE OFFICERS-** (1) A Revenue Officer may, either of his own motion or on the application of any party interested, review, and on so reviewing modify reverse or confirm and order passed by himself or by any of his predecessors:

Provided as follows:

(a) when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed and, when a Revenue Officer of class below that of Collector proposes to review any order whether passed by himself or by any of his predecessors in office, he shall first obtain the sanction of the Revenue Officers to whose control he is immediately subject;

(b) an application for review of an order shall not be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the Revenue Officer that he had sufficient cause for not making the application within that period;

(c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;

(d) an order against which an appeal has been preferred shall not be reviewed.

(2) For the purposes of this section the Collector shall be deemed to be the successor in office of any Revenue Officer of a lower class who has left the district or has ceased to exercise powers as a Revenue Officer, and to whom there is no successor in office.

(3) An appeal shall not lie from an order refusing to review or confirming on review a ,previous order.

**16. POWER TO CALL FOR EXAMINE AND REVISE PROCEEDINGS OF REVENUE OFFICER - (1)**  
The Financial Commissioner may at any time call

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For the record of any case pending before, or disposed of by, any Revenue Officer subordinate to him.

(2) A commissioner or Collector may call for the record of any case pending before, or disposed of by, any Revenue Officer under his control.

(3) If any case in which a Commissioner or Collector has called for record lie is of opinion that the proceedings taken or order made should be modified or reversed; he shall report the case with his opinion thereon for the order of the Financial Commissioner .

(4) The Financial Commissioner may in any case called for by himself under sub-section (1) of reported to him under sub-section (3) pass such order as he thinks fit.

Provided that he shall not under this section pass an order revising or modifying any proceeding or order of a subordinate Revenue Officer and affecting any question of right between private persons without giving those persons an opportunity of being heard.

### Case Law

**Section 16**-Mutation- Grant of- Registered will ignored-One of attesting witness died and another witness denied attestation before Collector where as he admitted attestation before Civil Court-Held-When the attesting witness deliberately and falsely denies that attestation, court can look into whole circumstances and can come to conclusion that the formalities of S. 63 of succession Act are duly complied with- Mutation sanctioned on the-basis of registered Will ; **Amrik Singh v. Punjab Wakf Board 2003(1) Land L.R. (F.C.,Pb.) 194 .**

**Sections 16**-Khasra Girdwaris-Correction of-More than one jamabandi has been prepared since then-No useful purpose would be served by keeping RORs in abeyance till decision of RSAs- Petition dismissed; **Karam Singh v: Gurdian Singh 2003(1) Land L.R. (F.C.,Pb.) 12**

**Sections 16 and 91**-Auction sale-Mortgaged property-Bank challenging sale of mortgaged property-Petitioner not established any material irregularity in publishing or conducting the sale or causing of any substantial injury-Dues of workers realized having first charge on assets of company-Held recovery of amounts declared to be arrears of land revenue to be statutory priority and claim of bank under equitable mortgage property Review application dismissed.  
**Bank of India and Ors.v.State of Punjab & Ors.2003(1)Land L.R. (F.C-Pb.)484**

**Section 16 and 91 Auction sale** – Auction sale--Mortgaged property—Notice to Bank before attachment and auction—Auction sale challenged on the ground that property could not be sold without notice to mortgage—Jamabandi record does not reveal that property is mortgaged to the bank—Held notice to bank before attachment and auction sale not mandatory; **Bank of India and Ors. V. State of Punjab & Ors. 2003 (1) Land L.R. (FC-Pb.)484**

**17 POWERS TO MAKE RULES AS TO PROCEDURE**- (1) The State Government may make rules consistent with this Act for regulating the procedure Officers under this Act in cases in which a procedure is not prescribed by this Act.

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(2) The rules may provide, among other matters for the mode of enforcing orders of ejectment from, and delivery of possession of, immovable property, and rules providing for those matters may confer on a Revenue Officer all or any of the powers in regard to contempt resistance and the like which a Civil Court may exercise in the Execution of a decree whereby it has adjudged ejectment from, or delivery of possession of, such property.

(3) Subject to the rules made under this section Revenue Officer may refer any case which he is empowered to dispose of under this Act to another Revenue Officer for investigation and report, and may decide the cases upon the report.

**18. PERSONS BY WHOM APPEARANCES AND APPLICATIONS MAY BE MADE BEFORE AND TO REVENUE OFFICERS-** (1) Appearances before a Revenue Officer, and applications to and act to be done before him, under this Act may be made or done-

(a) by the parties themselves, or

(b) by their recognised agents or a legal practitioner.

Provided that the employment of a recognised agent or legal practitioner shall not excuse the personal attendance is specially required by an order of the officer.

(2) For the purpose of sub-section (1)" recognised agents shall be such persons as the State Government may by notification declare in this behalf.

(3) The fees of a legal practitioner shall not be allowed as costs in any proceeding before a revenue officer under this Act unless that officer considers, for reasons to be recorded by him in writing, that the fees should be allowed.

**19. POWER OF REVENUE OFFICER TO SUMMON PERSONS-(1)** A revenue officer may summon any person whose attendance he considers necessary for the purpose of any business before him as a revenue officer.

(2) A person so summoned shall, be bound, to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognised agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements and to produce such documents and other things relating to any such matter as the revenue officers may require.

**20. MODE OF SERVICE OF SUMMONS-(1)** A summons issued by a revenue officer shall, if practicable, served (a) personally on the person to whom it is addressed or failing him (b) his recognized agent or (c) an adult male member of his family usually residing with him.

(2) If service cannot be so made, or its acceptance of service so made is refused, the summons may be served by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed or if that person does not reside in the district in which the revenue officer is employed and the case to which the summons relates has reference to land in that district, then by posing a copy of the summons on some conspicuous place in or near the estate wherein the land is situated.

(3) A summons may, if the revenue officer so directs, be served on the persons named therein, either in addition to, or in substitution for any other

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mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Part III of the Indian Post Office Act, 1886.

(4) When a summon is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the revenue officer may presume that the summons were served at the time when the letter would be delivered in the ordinary course of post.

**21. MODE OF SERVICE OF NOTICE OR PROCLAMATION, OR COPY THEREOF-** A notice, order of proclamation or copy of any such document, issued by revenue officer for service on any person shall be served in the manner provided on the foregoing sections for the service of a summons.

**22. MODE OF MAKING PROCLAMATION-** When a proclamation relating to any land issued by a Revenue Officer, it shall, in addition to any other mode of publication which may be prescribed in any provision of this Act, be made by beat of drum or other customary method, and by the posting of a copy thereof on a conspicuous place in or near the land to which it relates.

Supplemental Provisions

**23. PLACE OF SITTING-** An Assistant Collector may exercise his power under this Act at any place within the limits of the districting which he is employed.

(2) Any other revenue officer may only exercise his powers under this Act within the local limits of his jurisdiction.

**24. HOLIDAYS-** (1) The Financial Commissioner with the approval of the State Government, shall publish in the official Gazette, before the commencement of each calendar year a list of days to be observed in that year as holidays by all or any revenue officers.

(2) A proceeding had before a Revenue Officer on a day specified in the list as a day to be observed by him as a holiday shall not be invalid by reason only of its having been had on that day.

**25. DISCHARGE OF DUTIES OF COLLECTOR DYING OR BEING DISABLED-** When a Collector dies or is disabled from performing his duties the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the State Government in this behalf shall be deemed to be a collector under this Act.

**26. RETENTION OF POWERS BY REVENUE OFFICERS ON TRANSFER-** (1) The State Government may by notification confer on any person:

(a) all or any of the powers of a Financial Commissioner, Commissioner or Collector under this Act; or

(b) all or any of the powers with which an Assistant Collector may be invested thereunder, and may by notification withdraw any power so conferred.

(2) A person on whom powers are conferred under sub-section (1) shall exercise those powers within such local limits and in such classes of cases as the State Government may direct, and, except as otherwise thereof be deemed to be, Financial Commissioner, Commissioner, Collector or Assistant Collector as the case may be.

(3) If any of the powers of a Collector under this Act are conferred on any Assistant Collector, they shall unless the State Government by special order otherwise directs, be exercised by him subject to the control of the Collector.

**CHAPTER III**  
**KANUNGOS, [<sup>1</sup> .... ] AND VILLAGE OFFICERS**

**28. RULES RESPECTING KANUNGOS' [----] AND VILLAGE-OFFICER-** (1) The State Government may make rules to regulate appointment, duties, emoluments, punishments, suspension and removal of Kanungos and [ ]village officer.

**29 VILLAGE-OFFICERS' CESS.** - The State Government may, by notification impose on all or any estates in the territories for the time being administered by it access to be called the village officers cess, at such rate or rates not exceeding half an anna for every rupee of annual value as it may think fit, for remunerating headman and chief headmen in those territories and defraying other expenditure directly connected with the supervision 'of those officers or with the performance of their duties.

(1) "Annual value" in sub-section (1) has the meaning assigned to the expression in the Punjab District Boards Act, 1883, that is to say:

(2) double the land revenue for the time being assessed on any land, whether the assessment is leviable or not; or

(b) where the land revenue has been permanently assessed or has been wholly or part compounded for or redeemed, double the amount which but for such permanent assessment, composition or redemption would have been leviable; or

(c) where no land revenue has been assessed, double the amount which, would have been assessed, if the average village-rate had been applied:

Provided that, in any tract in which, under the settlement for the time being in force, the improvement of the land due to canal irrigation has been excluded from account in assessing the land revenue, and a rate has been imposed in respect of such improvement that rate shall be added to the land revenue for the purpose of computing the annual value.

(3) The Financial Commissioner may make rules for the collection, control and expenditure of the village officers' cess.

(4) All cesses now levied in any local area for the purposes mentioned in sub-section (1) shall be deemed to have been lawfully imposed and shall until the village officers' cess is imposed in that local area under that sub-section, be deemed to be lawfully leviable and, for the purpose of this section, to be that cess.

**30. RESTRICTION ON ATTACHMENT OR ASSIGNMENT OF REMUNERATION OF KANUNGOS [----] AND VILLAGE OFFICERS.**- (1) The emoluments of a kanungo, [-] or village officer shall not be liable to attachment in execution of a decree or order of any Civil or Revenue Court.

(2) An assignment of or charge on, or an agreement to assign or charge, any such emoluments shall be void unless it is authorised by rules made by the Financial Commissioner in this behalf.

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<sup>1</sup>The word "zaildar" deleted vide Punjab Act. 27 of 1964 S.3

**CHAPTER IV  
RECORDS**

Records-of-right and Annual Records

**31. RECORD-OF-RIGHTS AND DOCUMENTS INCLUDED THEREIN-** (1) Save as otherwise provided by this chapter, there shall be record of rights for each estate.

(2) The record-of-rights for an estate shall include the following documents, namely:

(a) statements showing, so far as may be practicable:

(i) the persons who are landowners, tenants or assignees of land revenue in the estate or who are entitled to receive any of the rents, profits, or produce of the estate or to occupy land therein.

(ii) the nature and extent of the interest of those persons, and the conditions and liabilities attaching thereto;

(iii) the rent, land revenue, rates, cesses or other payment due from and to each of those persons and to the Government;

(b) a statement of customs respecting rights and liabilities in the estate;

(c) a map of the estate; and

(d) such other documents as the Financial Commissioner may, with the previous sanction of the State Government prescribe,

**32. MAKING OF SPECIAL REVISION OF RECORD-OF-RIGHT-** (1) when it appears to the Commissioner that a record of right for an estate does not exist or that the existing record of rights for an estate requires special revision, the Commissioner may by notification direct that a record of right be made or that the record-of-rights be specially revised as the case may be,

(2) The notification may direct that record-of-rights shall be made or specially revised for all or any estates in any local area

(3) A record of rights made or specially revised for an estate under this section shall be deemed to be the record-of-rights for the estate, but shall not effect any presumption in favour of the Government which has already arisen from any previous record-of-rights .

**33. ANNUAL RECORD.**-(1) The Collector shall cause to be prepared by the Patwari of each estate yearly or at such other intervals as the Financial Commissioner may prescribe, an addition of the record-of-rights amended in accordance with the provisions of this Chapter

(2) This edition of the record-of-rights shall be called the annual record for the estate, and shall comprise the statement mentioned in sub-section (2), clause (a) of Section 31 and such other documents, if any, as the Financial

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Commissioner may, with the previous sanction of the State Government prescribe.

(3) For the purpose of the preparation of the annual record, the Collector shall cause to be kept up by the patwari of each estate a register of mutations and such other registers as the Financial Commissioner may prescribe.

Procedure for making records.

**34. MAKING OF THAT PART OF THE ANNUAL RECORD WHICH RELATE TO LAND-OWNERS, ASSIGNEES OF REVENUE AND OCCUPANCY TENANT-**(1) Any person acquiring, by inheritance, purchase mortgage, or otherwise, any right in an estate as a landowner, assignee of land revenue or tenant having right of occupancy, shall report his acquisition of the right to the patwari of the estate.

(2) If the person acquiring the right is a minor or otherwise disqualified his guardian or other person having charge of his property shall make the report to the Patwari.

(3) The Patwari shall enter in this register of mutations every report made to him under sub-section (1) of sub-section (2), and shall also make an entry therein respecting the acquisition of any such right as aforesaid which he has reason to believe to have taken place, and of which a report should have been made to him under one or other of those sub-sections and has not been so, made.

(4) A Revenue Officer shall from time to time enquire into the correctness of all entries in the, register of mutations and into all such acquisitions as aforesaid coming to his knowledge of which under the foregoing sub-section, register and shall in each case make such order as he thinks fit with respect to the entry in the annual record of the right acquired.

(5) Such an entry shall be made by the insertion in that record of a description of the right acquired and by the omission from that record of any entry in any record previously prepared which by reason of the acquisition has ceased to be correct.

**Case Law**

**Sections 34 to 37 - Sale deed -Mutation-Sanction of- Mutation of land on registered sale deed basis containing recital that possession has been transferred for consideration is to be sanctioned unless there are compelling reasons for doing otherwise; JaswantSingh & Ors. v. AjitSingh 2003(1) Land L.R. (FC-Pb.) 645**

**Sections 34 to 37- Sale deed- Mutation- Challenged- Held challenge to registered sale deed on grounds of fraud, and misrepresentation to be mounted in civil courts and not in mutation proceedings. Petition dismissed; Jaswant Singh & Ors. v. Ajit Singh 2003(1) Land L.R. (FC-Pb.) 645**

**35. MAKING OF THAT PART OF THE ANNUAL RECORD WHICH RELATES TO OTHER PERSON-** The acquisition of any interest in land other than a right referred to in sub-section (1) of the last foregoing section shall,

(a) If it is undisputed, be recorded by the Patwari in such manner as the Financial Commissioner may by rule in this behalf prescribe; and

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(b) If it is disputed, be entered by the Patwari in the register of mutations and dealt with in the manner prescribe in sub-sections (4) and (5) of the last foregoing section.

**36. DETERMINATION OF DISPUTES-**(1) If during the making revisions of preparation of any record or in the course of any enquiry under this Chapter a dispute arises as to any matter of which an enquiry is to be made in a record or in a register of mutations, a Revenue Officer may of his own motion, or on the application of any party interested but subject to the provisions of the next following section, and after such inquiry as he thinks fit, determine the entry to be made as to that matter.

(2) If in any such dispute the Revenue Officer is unable to satisfy him as to which of the parties thereto is in possession of any property to which the dispute relates, he shall ascertain by summary inquiry who is the person best entitled to the property, and shall by order direct that the person be put in possession thereof, any that entry in accordance with that order be made in the record or register.

(3) A direction of a Revenue Officer under sub-section (2) shall be subject to any decree or order which may be subsequently passed by any Court of competent jurisdiction.

**37. RESTRICTION ON VARIATIONS OF ENTRIES IN RECORDS-**Entries in records of rights or in annual record, except entries made in annual records by the Patwaris under clause (a) of section 35 with respect to undisouted acquisition of interest referred to in that section, shall not be varied in subsequent records otherwise than by

- (a) making entries in accordance with facts proved or admitted to have occurred;
- (b) making such entries are agreed to by all the parties interested therein or are supported by a decree or order binding on those parties;
- (c) making new maps where it is necessary to make them.

**38. MUTATION FEES-** (1) The state Government may fix a scale or fees for all or any record or register under this chapter and for copies or any such entries.

(2) A fee in respect of an entry shall be payable by the person in whose favour the entry is made.

*Notes:* For notification fixing a scale of fees under this sub section see Punjab Government Gazette, 1962 Revenue Department Notification No. 28.-R11-61/871, dated 30th January, 1961 as amended by Punjab Government notification No. 6088-(II)-61/9665, dated 18th December.

**39. PENALTY FOR NEGLECT TO REPORT ACQUISITION OF ANY RIGHT REFERRED TO IN SECTION 34-** Any person neglection to make the report required by section 34 within three months from the date of his acquisition of a right referred to in that section shall be liable, at the discretion of the Collector, to a fine not exceeding five time the amount of the fee which would have been payable according to the scale fixed under the last foregoing section if the acquisition of the right had been reported immediately after its accrual.

**40. OBLIGATION TO PUBLISH INFORMATION NECESSARY FOR THE PREPARATION OF RECORDS-** Any person whose rights interests or liabilities are required to be entered in any record under this Chapter shall be bound to furnish, on the acquisition of any Revenue Officer of Village Officer engaged in compiling the record, all information necessary for the correct compilation thereof.

*Rights of the Government and presumptions with respect thereto and to the matter.*

**41. RIGHTS OF THE GOVERNMENT IN MINES AND MINERALS-** All mines of metal and coal and all earth oil and gold washings shall be deemed to be the property of the Government for the proper enjoyment of the Government's rights thereto.

**42. PRESUMPTION AS TO OWNERSHIP OF FORESTS, QUARRIES AND WASTE LAND-** When in any record-of-rights completed before the eighteenth day of November, 1871, it is not expressly provided that any forest quarry, unclaimed, unoccupied, deserted or waste land belongs to the landowners, it shall be presumed to belong to the Government.

(2) When in any record-of -rights, completed after that date it is not expressly provided that any forest or quarry or any such land or interest belongs to the Government, it shall be presumed to belong to the landowners.

(3) The presumption created sub-section (1) may be rebutted by showing.

(a) from the records or report made by the assessing officer at the time of assessment; or

(b) is the record or report, is silent, then from a comparison between the assessment of villages in which there existed and the assessment of villager of similar character in which there did not exist; any forest or quarry, or any such land or interest that the forest, quarry, land or interest was taken into account in the assessment of the land revenue.

(4) Unit the presumption is so rebutted, the forest, quarry, land or interest shall be held to belong to the Government.

**43. COMPENSATION FOR INFRINGEMENT OF RIGHTS OF THIRD PARTIES IN EXERCISE OF A RIGHT OF THE GOVERNMENT-** (1) Whenever, in the exercise of any right of the government referred to in either of the two last foregoing sections the rights of any person are infringed by the occupation or disturbance of the surface of any land, the state Government shall pay, or cause to be paid to that person compensation for the infringement.

(2) The compensation, shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

**44. PRESUMPTION IN FAVOUR OF ENTRIES IN RECORD-OF RIGHTS AND ANNUAL RECORDS-** Any entry made in a record-of-rights in accordance with the law for the time being in force, or in an annual record in

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accordance with the provisions of this Chapter and the rules thereunder shall be presumed to be true until country is proved or a new entry is lawfully substituted therefore.

**45. SUIT FOR DECLARATORY DECREE BY PERSONS AGGRIEVED BY AN ENTRY IN A RECORD** - If any person considers himself aggrieved as to any right of which he is in possession by an entry in a record-of-rights, or in an annual record, he may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1963.

**46. POWER TO MAKE RULES RESPECTING RECORDS AND OTHER MATTERS CONNECTED THEREWITH.**- The Financial Commissioner may make rules:-

(a) prescribing the language in which records and registers under this Chapter are to be made;

(b) prescribing the form of those records and registers, and the manner in which they are to be prepared, signed and attested;

(c) For prescribing the survey of land so far as may be necessary for the preparation and correction of those records and registers.

(d) for the conduct of inquiries by Revenue officer under this chapter and

(e) generally for the guidance of Revenue Officers and village Officers in matter pertaining to records and registers mentioned or referred to in this chapter.

**47. RECORDS OF RIGHTS AND ANNUAL RECORDS FOR GROUPS ESTATES-**

(1) The Commissioner may direct that record-of-rights be made for any group of neighbouring estate instead of separately for each of the estates.

(2) The provisions of this Chapter with respect to a record-of-rights and annual record for an estate shall then, so far as they can be made applicable, apply to a record-of-rights and annual record for a group of estates.

**CHAPTER V  
ASSESSMENT**

**48. ASSESSMENT OF LAND REVENUE-** (1) All land, to whatever purpose applied and wherever situate, is liable to the payment of land revenue to the Government, except such land as has been wholly exempted from the liability by the special contract with the Government or by the provisions of any law for the time being in force and such land as is included in the village site, <sup>1</sup>[or is included in an estate situated wholly or partly within a distance of sixteen kilometers from the international border within Pakistan in Punjab].

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<sup>1</sup> Added by Punjab Act No. 37 of 1973 w.e.f. 20-10-73

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Explanation- For the purpose of this sub-section the expression 'village site' shall have the same meaning as is assigned to the expression 'sit of a village' in section 4,

[Sub-section (1-A) and (1-b) as added in Punjab only)

(1-A) Notwithstanding anything in sub-section (1), land held by any person, whether as sole landowner or as a co-landowner in one or more holdings, or as a sole landowner and as a co-landowner in one or more holdings in any estate, shall be exempted from the liability to the payment of land revenue, if.

(i) the area of such land together with the area of land, if any, held by such person whether as a sole landowner or as a co-landowner in one or more holdings, or as a sole landowner and as co-landowner in one or more holdings, in any other estate in the State of Punjab 2[ ... ] does, not exceed five standard acres; and

(ii) such person furnishes such particulars of the land held by him in the State of Punjab [...] in such form and manner and at such time and to such authority (hereinafter in this section referred to as the prescribed authority). as may be prescribed by rules made under section 64.

*Explanation*1. In the case of a Hindu undivided family, the land owned by such family shall, for the purposes of sub-section (1-A) be deemed to be the land of the landowners in whose name it is entered in the record-of-right.

<sup>3</sup>[Explanation 2. The expression 'standard acre' in respect of the holding in such territories of the erstwhile state of Patiala and East Punjab State Union as now form part of the State of Punjab, shall have the meaning assigned to it in the PEPSU Tenancy and Agricultural Lands Act, 1955 in respect of the holding other than those referred to above the said expression shall have the meaning assigned to it in the Punjab Security of Land Tenures Act, 1953]

(1-B) In the event of a person furnishing to the prescribed authority such particulars under clause (ii) of sub-section (1-A) as are not found to be correct the prescribed authority, may after giving such reasonable opportunity of being heard direct him to pay by way of penalty, in addition to the land revenue to which he is liable, an amount not exceeding twenty times the amount of land revenue payable.

(2) Land revenue shall be assessed in cash.

(3) Land may be assessed to land revenue notwithstanding that revenue, by reasons of its having been exempted by virtue of the provisions of

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<sup>1</sup> Sub- section (1-A) and (1-B) added by Pb. Act of 1968.

<sup>2</sup> Ommitted by Punjab Act 10 of 1969

<sup>3</sup> Vide Punjab Act 10 of 1969

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sub-section (1-A) assigned released, compounded for or redeemed is not payable to the Government.

(4) Land revenue may be assessed.

(a) as a fixed annual charge payable in a lump sum or by instalment;

(b) in the form of prescribed rates per acre or other union area applicable to the area recorded as sown, matured or cultivated during any harvest or during any year .

**48-A. BASIS OF ASSESSMENT-** The assessment of land revenue shall be based on an estimate of:-

(a) the average money value of the net assets of the estate or group of estates in which the land concerned is situated; or

(b) in the case of special assessment of land put to non-agricultural use in an assessment circle or part thereof:-

(i) on the average net letting value of a category and class of sites; or

(ii) where for any reason it is not possible to ascertain the net letting value, on the average market value, of sites as determined in manner prescribed;

<sup>1</sup>Provided that when a special assessment is made under section 59. notwithstanding the period fixed for the continuance of an assessment or the limit provided in Section 48-8 or the area having been declared to an urban assessment circle, the land revenue may be assessed as fixed annual charge payable in lump sum or by instalments <sup>2</sup>[For Punjab only, in accordance with the rules made under this Act]

**48-B. LIMIT OF ASSESSMENT-** If the land revenue is assessed as fixed annual charge the amount thereof and if it is assessed in the form of prescribed rate, the average amount which according to an estimate in writing approved by the State Government will be leviable annually, shall not, in the case of any assessment circle exceed one-fourth of the estimated money value of the net assets of such assessment circle [or in the case of special assessment on a category and class of sites of land put to non-agricultural use in an assessment circle or part thereof-

(a) exceed one-fourth of the estimated average net letting value; or

(b) exceed two to four per cent of the average market value; or

(c) in the case of sites lying vacant and out of use, exceed one percent of the average market value:

Provided that nothing contained in this section shall affect any assessment in force at the time of the commencement of the Punjab Land Revenue (Amendment) Act, 1928

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<sup>1</sup> Punjab Act 13 of 1952

<sup>2</sup> Punjab Act 9 of 1958 S. 5

**General Assessment**

**49. NOTIFICATION OF INTENDED REASSESSMENT AND INSTRUCTIONS AS TO PRINCIPLES OF ASSESSMENT-** (1) Assessment of land-revenue may be general or special.

(2) A general reassessment of the land-revenue of any area shall not be undertaken without the previous sanction of the State Government and notification of that sanction.

(3) In granting such sanction the State Government may give such instructions consistent with the provisions of this Act and the rules made thereunder as it may deem fit.

**50. MODE OF DETERMINING ASSESSMENT-** A general assessment shall be made by a Revenue Officer.

(2) Before making such assessment the Revenue Officer shall report through the Financial Commissioner for the sanction of the State Government his proposal with regard thereto.

**51. ANNOUNCEMENT OF ASSESSMENT -** (1) After consideration of the proposals submitted by the Revenue Officer under the provisions of sections 50 the State Government shall pass such orders as it may deem fit subject to the provisions of sub-sections (3) and (4), and on the receipt of such orders the Revenue Officer shall make an order determining the assessment proper for each estate concerned and shall announce it in such manner the State Government may by rule prescribe.

(2) At the time of announcing the assessment the Revenue Officer shall also declare the date from which it is to take effect and, subject to the other [provisions of this Act, it shall take effect accordingly].

(3) Subject to the provisions of sub-section (4) the average rate of incidence on the cultivated area of the land revenue imposed under the provisions of sub-section (1) on any assessment circle, forming part of any area in respect of which a notification has been issued under sub-section (2) of section 49 shall not exceed the rate of incidence of the land-revenue imposed at the last previous assessment by more than one fourth provided that the rate of incidence of the assessment imposed on any estate shall not exceed the rate of incidence of the previous assessment on that estate by more than two-thirds.

(4) The provisions of sub-section (3) shall not be applicable in the case of land which has not previously been assessed to land revenue or in which canal irrigation has been introduced after the date of the orders passed under the provision of sub-section (1) at the last previous assessment, or in the case of the land of which the last previous assessment was made under the provisions of clause (b) of sub-section (1) of Section 59 in the case of an area which has been declared by notification to be urban assessment circle and for the purpose of calculating the increase in incidence of the land revenue for the purpose of subsection (3) all such land shall be excluded from calculation:

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Provided that no area shall be declared to be an urban assessment circle, unless it is included within the limits of a municipality or of an area in respect of which a notification has been issued section 241 of the Punjab Municipal Act, 1911, or of an area declared to be a small town under the provisions of the Punjab Small Towns Act, 1921.

**52. APPLICATION FOR CONSIDERATION OF ASSESSMENT**- The landowner may, within thirty days from the date of announcement of the assessment, present a petition to the Revenue Officer for a reconsideration of the amount, form or conditions of the assessment.

(2) Where the land revenue is assigned, the assignee thereof may within thirty days from that date, present a like petition to the Revenue Officer.

(3) The order passed by the Revenue Officer on the petition shall set forth his reasons for granting or refusing it.

**53. CONFIRMATION AND DURATION OF ASSESSMENT** - An assessment the undertaking of which has been sanctioned under the provisions of section 49 shall not be considered final until it has been confirmed by the State Government.

(2) At any time before an assessment is so confirmed the Commissioner or Financial Commissioner may, subject to the provisions of sub-section (3) modify the assessment of any estate.

(3) Before an enhancement is ordered under the provisions of sub-section (2) the Commissioner or the Financial Commissioner, as the case may be, shall cause reasonable notice to be given to the landowners by proclamation published in this manner described in section 22 to show cause in a petition addressed to the Revenue Officer why the proposed enhancement should not be ordered and the Revenue Officer shall enquire into any objections raised by any landowner and submit such petition received with his report thereon to the Commissioner or the Financial Commissioner, who shall consider the petition and the report and shall also hear the petitioner if he so desires.

**53-A DURATION OF ASSESSMENT** - The State Government shall, when confirming an assessment under sub-section (1) of section 53, fix a period of time for which the assessment shall remain in force.

(2) The period fixed under sub-section (1) shall be forty years.  
Provided that:

(i) a period not exceeding forty years and not shorter than ten years may be fixed for any area, specified by the State Government, in which canal irrigation has been introduced after the date of the orders passed under the provisions of sub-section (1) of Section 51 at the last previous assessment or in which it has been proposed to introduce such irrigation during the period fixed.

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(ii) a period not exceeding forty years and not shorter than twenty years may be fixed on the expiry of a period fixed under the provisions of clause (i) of this proviso;

(iii) nothing in this sub-section shall affect any assessment in force at the time of the commencement of the Punjab Land Revenue (Amendment) Act, 1928, or apply to an area which has been declared to be an urban assessment circle under the provisions of sub-section (4) of Section 51.

**54. ASSESSMENT TO REMAIN IN FORCE TILL NEW ASSESSMENT TAKES EFFECT -**

Notwithstanding the expiration of the period for the continuance of an assessment under the last foregoing section, the assessment shall remain in force till a new assessment takes effect.

**55. REFUSAL TO BE LIABLE FOR ASSESSMENT AND CONSEQUENCES THEREOF -**

(1) At any time within ninety days from the date of the announcement of an assessment the landowner, or where there are more landowners than one, any of them who would be individually or collectively liable for more than half the sum assessed, may give notice to the Revenue Officer of refusal to be liable for the assessment. .

(2) When the Revenue Officer receives a notice under sub-section (1), the Collector may take possession of the estate and deal with it, as early as may be as if the annulment of the assessment thereof had been ordered as a process for the recovery of an arrear of land revenue due thereon.

(3) While the estate is in possession of the Collector, the landowner or landowners shall be entitled to receive from the Government, which shall not be less than five or more than ten percent of the net income realised by the Government from the estate.

**56. DISTRIBUTION OF ASSESSMENT OF AN ESTATE OVER THE HOLDINGS COMPRISED THEREIN -**

(1) If the assessment announced under Section 51 is whole or in part a fixed assessment of an estate for a term of years, the Revenue Officer shall before the date on which the first instalment thereof becomes payable, make an order distributing it over the several holdings comprised in the estate and make and publish a record of the distribution.

(2) The Collector may for sufficient reason make an order revising that record at any time while the assessment continues to be in force, and publish the record so revised.

(3) If the assessment announced under section 51 is in the form of the rates chargeable according to the results of each year or harvest, a Revenue Officer shall from year to year or from harvest as the conditions of the assessment may require, make and publish, not later than one month before the first instalment of the land revenue falls due, a record of the amount payable in respect of each holdings.

**57. APPLICATION FOR AMENDMENT OF THE DISTRIBUTION OF AN ASSESSMENT -**

(1) Any person affected by a record made under sub-section (3)

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of the foregoing section, or by the revision of a record under subsection (2) of that section within thirty days from the date of the publication of the record, present a petition to the Revenue Officer for a reconsideration of the record so far as it affects him.

(2) The order passed by the Revenue Officer on the petition shall set forth reasons for granting or refusing it.

**58. APPEALS FROM ORDER UNDER SECTIONS 52 AND 57** - An appeal from an order under the last foregoing section or section 52 shall lie to the Commissioner and from the appellate order of the Commissioner to the Financial Commissioner.

**SPECIAL ASSESSMENT**

**59. SPECIAL ASSESSMENT** - (1) Special assessment may be made by Revenue Officers in the following cases, namely:-

(a) when land revenue which has been released or assigned is resumed;

(b) when lands are sold, leased or granted by the Government;

(c) when the assessment of any land has been annulled or the landowner has refused to be liable thereof, and the term for which the land was to be managed by the Collector or his agents let in farm has expired;

(d) when assessments of land revenue require revision in consequence of the action of water or sand or of claimty of section or from any other cause;

(e) when revenue due to the Government on account of pasture or other natural products of land. or on account of mills, fisheries or natural products of water or on account of other rights described in section 41 or 42, has not been included in an assessment made under the foregoing provisions of this Chapter:

(f) when assessment of land revenue requires revision in consequence of the land being put to a use different from that for which an assessments is in force;

<sup>1</sup>(g) when the land has been put to use for non-agricultural purposes such as bricks, kilns, factories, cinemas, shops, hotels, houses, landing grounds and other similar purpose whether or not already assessed to land revenue:

<sup>2</sup>provided that the purpose of clause (f) and (g) any use land-

(i) for the purposes of a garden, an orchard or pasture; or

(ii) for houses occupied by the owner for agricultural purpose or for purposes subservient to agriculture or for small scale cottage industries; or

(iii) for any public charitable religious purposes except where such lands has been let for any such purpose;

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<sup>1</sup> Punjab by Act 9 of 1958 S. 7

<sup>2</sup> Punjab Land Revenue (Amendment) Act of 16 of 1963 S. 2

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shall not be considered as a use different from that for which an assessment is in force or for non-agricultural purpose;

Provided further that the case of clauses (f) and (g) residential houses in occupation of the owners, with an annual rental value not exceeding three hundred rupee shall not be liable to special assessment.

(2) The Financial Commissioner may confirm any assessment made under this section.

(3) The foregoing provisions of Chapter with respect to general assessments shall, subject to such modifications them for as the Financial Commissioner may prescribe by executive instructions issued under the provisions of section 60-C regulate the procedure of Revenue Officer making special assessments.

**60. POWER TO MAKE RULES-** The State Government shall, subject to the provisions of section 60-A, from time to time, make rules prescribing :-

(a) the method by which the estimate of the money value of the net assets of an estate or group of estates shall be made;

(b) the method by which assessment to land revenue shall be made;

(c) the principles in which exemption from assessment shall be allowed for improvements;

(d) the manner in which the rate of incidence of the land revenue is to be calculated for the purpose of sub-section (3) of section 51.

**60-A. PROCEDURE TO BE FOLLOWED IN MAKING RULES:-** Before making any rules under the provision of section 60, the State Government shall, in addition to observing the procedure laid down in section 21 of the Punjab General Clauses Act, 1898, publish by notification a draft of the proposed rules for the information of person likely to be affected thereby at least thirty days before a meeting of the Punjab Legislative Assembly. The State Government shall defer consideration of such rules until after the meeting of the Punjab legislative Assembly next following the publication of the draft in order to give any member of the Assembly an opportunity to introduce a motion for discussing the draft .

**60-B RULES AND EXECUTIVE INSTRUCTIONS ISSUED BEFORE COMMENCEMENT OF PUNJAB LAND REVENUE (AMENDMENT) ACT, III OF 1928 TO BE FOLLOWED FOR THE PURPOSE OF ASSESSMENT OPERATION BEGUN BEFORE ISSUE OF RULES MADE UNDER THE PROVISION OF SECTION 60-A-** Notwithstanding anything contained in section 60-A, for the purpose of all assessment begun before the date of publication of rules made after the commencement of the Punjab Land Revenue (Amendment) Act, 1928, the rules and executive instructions relating to the matters mentioned in clause (a), (b) and (c) and (d) of section 60 which were in force before such publication shall remain in force.

**60-C POWER TO ISSUE INSTRUCTION** - The State Government or the financial Commissioner with the approval of the State Government may for the guidance of Revenue Officers, from time to time issue executive instructions relating to all matters to which the provisions of this Chapter apply, provided that such instructions shall be consistent with the provisions of this Act and the rules made thereunder.

<sup>1</sup>**Additions made by Punjab only**

**CHAPTER V-A**

**ADDITIONAL LAND REVENUE**

**60-D. ASSESSING AUTHORITY.** In this Chapter, unless the context otherwise requires, the Assessing Authority means Collector of the district where the land of any person is situated and it is situated in more than one district, such officer as may be appointed by the State Government in this behalf .

**60-E. LEVY OF ADDITIONAL LAND REVENUE** - (1) Notwithstanding anything contained in Chapter V, with effect from the Kharif harvest of the agricultural year 1974-75, every landowner who pays land revenue in excess of . 'twenty rupees shall be liable to pay an additional land revenue in accordance with the rates specified in the Schedule to this Chapter:

Provided that in respect of land situated in Roper Tehsil of Ropar District, Batala Tehsil of Gurdaspur District, urban assessment circle of Tarn Taran or the urban or sub-urban assessment circle of Tarn Taran or the urban or suburban assessment circle of Amritsar Tehsil of Amritsar District additional land revenue . shall be payable at rates which shall be twenty-five percent less than the rates mentioned in the Schedule.

(2) When land revenue is revised as a re-suit of general or special assessment in any assessment circle the .additional land revenue levied under this Chapter shall cease to be so leviable in that assessment circle.

**60-F SUBMISSION OF RETURNS-**(1) A landowner who is liable to pay more than twenty rupees as land revenue and whose :and is situated within territorial jurisdiction of more than one patwari shall within a period of thirty days from the date of commencement of the Punjab Land Revenue (Amendment) Act, 1974, furnish information of the total land revenue payable by him to the Patwari in whose circle he ordinarily resides or in whose circle he holds largest amount of land and shall also submit a copy thereof the Tehsildar having jurisdiction.

(2) The provisions of sub- section (1) shall apply mutatis mutandis to a person who becomes liable to pay the additional land revenue under this Chapter after the commencement of the Punjab Land Revenue (Amendment) Act, 1974,

<sup>1</sup> New Chapter V-A inserted by Punjab Land Revenue (Amendment) Act 20 of 1974.

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and in his case the period of return shall be thirty days from the date when he becomes so liable.

**60-G PENALTY FOR FAILURE TO FURNISH INFORMATION-**If a person fails to furnish the information required by section 60-F or furnishes information which is wrong in material particulars, the Assessing Authority may charge him with a penalty upto six times the amount of the additional land revenue recoverable from him under this Chapter.

**60-H RECOVERY OF ADDITIONAL LAND REVENUE-** The additional land revenue and the penalty, if any, under this Chapter shall be recoverable as land revenue.

**60-1 EFFECT OF ADDITIONAL LAND REVENUE-** The levy of additional land revenue shall neither have the effect of adding to the value of any jagir or any assignment of land revenue nor such levy shall be treated as land revenue for the purpose of any other law for the time being in force.

**SCHEDULE**

(See Section 60-E)

(Rates of additional land revenue)

- |  |   |
|--|---|
| 1. Where the total land revenue Twenty rupees but does not exceed fifty rupees annually                      | Two hundred percent of the exceeds amount by which the total land revenue exceeds twenty rupees.  |
| 2. Where the total land revenue exceed fifty rupees but does not exceed one hundred rupees annually.         | Sixty rupees plus two hundred and fifty percent of the amount by which the total land revenue exceeds fifty rupees.                                 |
| 3. Where the total land revenue exceeds one hundred rupees, but does not exceed two hundred rupees annually. | One hundred and eighty-five rupees plus three hundred per cent of the amount by which the total land revenue exceeds one hundred rupees.            |
| 4. Where the total land revenue exceeds two hundred rupees annually.   | Four hundred and eighty-five rupees plus three hundred and fifty per cent of the amount by which the total land revenue exceeds two hundred rupees. |

**3. REPEAL AND SAVING-** The Punjab Land Revenue (Surcharge) Act, 1954, and the Punjab Land Revenue (Special Charges) Act, 1958, shall stand repealed with effect from the Kharif Harvest of the agricultural year 1974-75.

Provided that such repeal shall not effect-

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(b) any obligation or liability incurred under the Act so repealed; or

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(c) any penalty incurred in respect of any provision of the Acts so repealed: or

(d) any remedy in respect of any such obligation, liability, or penalty as aforesaid;

and any such remedy may be enforced and any such penalty may be imposed as if the Punjab Land Revenue (Amendment) Act, 1974, had not been passed in Punjab.

**CHAPTER VI  
COLLECTION OF LAND REVENUE**

**61. SECURITY FOR PAYMENTS OF LAND REVENUE-**(1) In the case of the every estates, the entire estate and the landowner or, if there are more than one, the landowners jointly and severally, shall be liable for the land revenue for the time being assessed on the estate:

Provided that-

(a) The State Government may by notification declare that in any estate a holding or its owner shall not be liable for any part of the land revenue for the time being assessed on the estate except that part which is payable in respect of the holding; and

(b) When there are superior and inferior landowners in the same estate the Financial Commissioner may by rule, or by special order in each case, determine whether the superior or inferior landowners shall be liable for the land revenue, or whether both shall be so liable and, if so, in what proportions.

(2) A notification under proviso(a) to sub-section (1) may have reference to any single estate or to any class of estate or estates generally in any local area.

**62 . FURTHER SECURITY FOR PAYMENT OF LAND REVENUE:** (1) The land revenue for the time being assessed on an estate or payable in respect of a holding shall be the first charge upon the rents profits and produce thereof.

(2) Without the previous consent of the Collector, the rents, profit or produce of an estate or holding shall not be liable to be taken in execution of a decree or order of any Court until the land revenue chargeable against the rents profits or produce, and any land revenue due in respect of the estate or holding have been paid.

**63. ORDERS TO REGULATE PAYMENT OF LAND, REVENUE:** (1) Notwithstanding in anything in any record of rights, the Financial Commissioner may fix the number and amount of the instalments, and the times places and manner, by, at and in which land revenue is to be paid.

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(2) Until the Financial Commissioner otherwise directs, land revenue shall be payable by instalments at the time and places and in the manner by, at and in which it is payable at the commencement of this Act.

**64. RULE TO REGULATE COLLECTION, REMISSION AND SUSPENSION OF LAND REVENUE:**

Clause (1) for Punjab

(1) The Financial Commissioner may make rules consistent with this Act-

(a) to regulate the collection, remission and suspension of land revenue and may by those rules determine the circumstances and terms in and on which assigned land revenue may be collected by the assignee;

(b) to prescribe the form and manner in which and the time at which and the authority to whom the particulars referred to in clause (ii) of sub-section (1-A) of section 48 shall be furnished .

**Clause 1 for Haryana**

(1) The Financial Commissioner may make rules consistent with this Act to regulate the collection, remission and suspension of land revenue, and may by those rules determine the circumstances and terms in and on which assigned land revenue may be collected by the assignee-in Haryana.

(2) Where land revenue due to an assignee is collected by a Revenue Officer, there shall be deducted from the sum collected such a percentage on account of the cost of collection as the Financial Commissioner may, by rule in this behalf prescribe.

(3) A suit for an area of assigned land revenue shall not be entertained unless there is annexed to the time of the presentation thereof a document under the hand of the Collector specially authorizing the institution of the suit.

**65. COSTS RECOVERABLE AS PART OF ARREAR-** The costs of any process issued under this Chapter shall be recoverable as part of the arrear of land-revenue in respect of which the process was issued.

**66. CERTIFIED ACCOUNT TO BE EVIDENCE AS TO ARREAR-** A statement of account certified by a Revenue Officer shall be conclusive proof of the existence of an arrear of land revenue of its amount and of the person who is the defaulter.

**67. PROCESS FOR RECOVERY OF ARREARS:** Subject to the other provisions of this Act an arrear of land revenue may be recovered by any one or more of the following processes, namely:-

(a) by service of writ of demand on the defaulter;

(b) by arrest and detention of his person;

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<sup>1</sup>Substituted by section 3 of the Punjab Land Revenue Amendment) Act, 1967 Pb. Act I of 1968.

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- (c) by distress movable property and uncut or ungathered crops;
- (d) by transfer of the holding in respect of which the arrear is due;
- (e) by attachment of the estate or holding in respect of which the arrear is due;
- (f) by annulment of the assessment of that estate or holding;
- (g) by sale of that estate or holding;
- (h) by proceeding against other immovable property of the defaultler.

**68. WRIT OF DEMAND** : A writ of demand may be issued by a Revenue Officer on or after the day following that in which an arrear of land revenue accrues.

**69. ARREST AND DETENTION OF DEFAULTER-** (1) At any time after an arrear of land revenue has accrued a Revenue Officer may issue a warrant directing an officer named therein to arrest the defaulter and bring him before the Revenue Officer.

(2) When the defaulter is brought before the Revenue Office, the Revenue Officer may cause him to be taken before the Collector, or may keep him under personal restraint for a period not exceeding ten days and then, if the arrear is still unpaid, cause him to be taken before the Collector.

(3) When the defaulter is brought before the Collector, the Collector may issue an order to the officer-in-charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period not exceeding one month from the date of the order, as the Collector thinks fit.

(4) The process of arrest and detention shall not be executed against defaulter who is a female, a minor, a lunatic or idiot.

**70. DISTRESS AND SALE OF MOVABLE PROPERTY AND CROPS:** (1) At any time after an arrears of land revenue has accrued, the movable property and uncut or ungathered crops of the defaulter may be distrained and sold by order of a Revenue Officer.

(2) The distress and sale shall be conducted, as nearly as may be, in accordance with the law for the time being in force for the attachment and sale of movable property under the decree of a Revenue Court Constituted under the Punjab Tenancy Act, 1887:

Provided that, in addition to the particulars exempted by that law from liability to sale, so much of the produce of the land of the defaulter as the Collector think necessary for seed, grain, and for the subsistence, until the harvest, next following, of the defaulter and his family and of any cattle exempted by that law, shall be exempted from sale under this section.

**71. TRANSFER OF HOLDING** - (1) At any time, after an arrear of land revenue has accrued on a holding, the Collector may transfer the holding to any, person being a landowner of the estate in which his holding is situated and not being a defaulter in respect of his own holding on condition of his paying the

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arrear before being put in possession of the holding and on such further conditions as the Collector may deem fit to prescribe.

(2) The transfer may, as the Collector thinks fit, be either till the end of the agricultural year in which the defaulter pays to the transferee the amount of the arrear which the transferee paid before being put in possession of the holding, or for term not exceeding fifteen years from the commencement of the agricultural year next following the date of the transfer.

(3) The Collector shall report to the Financial Commissioner any transfer made by him under this section and the Financial Commissioner may set aside the transfer or alter the condition thereof, or pass such other order as he think fit.

(4) A transfer under this section shall not effect the joint and several liability of the landowners of the estate in which it is enforced.

(5) In respect of all rights and liabilities arising under this Act, the person to whom the holding is transferred subject to the conditions of the transfer stand the same positions as that in which the defaulter would have stood if the holding has not been transferred.

when the transfer was for a term, the holding shall, on the expiration of the term, be restored by the collector to the defaulter free of any claim on the part of the Government or the transferee for any arrear of land revenue or rates and cesses due in respect thereof .

**72. ATTACHMENT OF ESTATE OR HOLDING:** (1) At sandy time after an arrear of land revenue has accrued, the Collector may cause the estate or holding in respect of which the arrear is due to be attached and taken under his own management or that of an agent appointed by him for that purpose.

(2) The Collector or the agent shall be bound by all the engagements which existed between the defaulter and his rents and profits accruing there from to the exclusion of the defaulter until the arrear has been satisfied, or until the Collector restores the land to the defaulter.

(3) All surplus of the land attached beyond the cost of attachment and management and the amount necessary to meet the current demand for land revenue and rates and cesses shall be applied in discharge of the arrear.

(4) Land shall not be attached for the same arrear for a longer term than five years from the commencement of the agricultural year next following the date of the attachment, but, if the arrear is sooner discharged, the land shall be released and the surplus receipt, if any made over to the landowner.

**73. ANNULMENT OF ASSESSMENT OF ESTATE OR HOLDING:** (1) When an arrear of land revenue has been due for a longer period than one month and the foregoing processes are not deemed sufficient for the recovery thereof, the Financial Commissioner may in addition to or instead of all or any of those processes order the existing assessment of the estate or holding in respect of which the arrear is due, to be annulled.

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(2) The provisions of this section shall not be put in force for the recovery of an arrear of land revenue which was accrued on land –

- (a) While under attachment under the last foregoing-section, or ;
- (b) While under the charge of the Court of Wards.

(3) When the assessment of any land has been annulled, the Collector may, with the previous sanction of the Financial Commissioner, either manage the land himself or through an agent, or let it in form to any person sanctioned by the Financial Commissioner:

Provided that the term for which land may be so managed or formed shall not be longer than fifteen years from the commencement of the agricultural year next following the date of the annulment.

(4) At some time before the expiration of that term the Collector shall determine the assessment to be paid in respect of the estate or holding for the remainder of the term of the current assessment of the District or Tehsil, and, when the assessment has been sanctioned by the Financial Commissioner, shall announce it to the landowner.

(5) The landowner may give notice to the Collector of refusal to be liable for the assessment within thirty days from the date on which the assessment was announced to him .

(6) If notice is so given, the collector may, with the previous sanction of the Financial Commissioner, take the estate or holding under direct management or farm it for the remainder of the term of the current assessment of the District or Tehsil, or for any period within that term which the Financial Commissioner may fix ..

(7) When the assessment of a holding is annulled, the joint responsibility of the other landowners of the estate for the land revenue of that holding becoming due after, the annulment shall be in abeyance until a new assessment takes effect.

(8) The Financial Commissioner may direct that any contract made by the defaulter; or by any person through whom the defaulter claims, with respect to any land comprised in any estate or holding of which the assessment has been annulled shall not be binding on the Collector or his agent or farmer during the period for which the estate or holding remains under the management of the Collector or his agent or is let in farm.

**74. PROCLAMATION OF ATTACHMENT OF ANNULMENT OF ASSESSMENT AND CONSEQUENCE OF THE PROCLAMATION-** (1) When any land is attached under Section 72, or when the assessment of any land has been annulled under the last foregoing section, the Collector shall make proclamation thereof.

(2) No payment made by any person to the defaulter before the making of the proclamation on account of rent or any other asset in anticipation of the usual

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time for the payment shall without the special sanction of the Collector be credited to that person or relieve him from liability to make the payment of the Collector or his agent or farmer.

(3) No payment made after the making of the proclamation on account of rent or any other asset of the estate of holding to any person other than the Collector or his agent or farmer shall be credited to the person making the payment or relieve him from liability to make the payment to the Collector or his agent or farmer.

**75. SALE OF ESTATE OF HOLDING:** When an arrear of land revenue has accrued and the foregoing processes are not deemed sufficient for recovery thereof, the Collector with the previous sanction of the Commissioner may in addition to, Of instead of, all or any of those processes and subject to the provisions hereinafter contained sell the estate or holding in respect of which the arrear is due:

Provided that land shall not be sold for the recovery of-

(a) any arrear which has accrued while the land was under the charge of the Court of Wards, or was so circumstanced that the Court of Wards might have exercised jurisdiction over it under the provisions of section 35 of the Punjab Laws Act, 1872, clauses (a), (b), (c) or (d) : or

(b) any arrear which has accrued while the land was held under attachment under section 72 of this Act, or

(c) any arrear which has accrued while the land was held under direct management by the Collector or in farm by any other person under section 73, after either an annulment of assessment or a refusal to be liable therefor,

**76. EFFECT OF SALE ON ENCUMBRANCES:** (1) Land also under the last foregoing section shall be sold free of all encumbrances; and all grants and contracts previously made by any person other than the purchaser in respect of the land shall become void as against the purchaser at the sale

(2) Nothing in sub-section (1) shall affect-

(a) a tenant's right of occupancy, unless the right was created by the defaulter himself or

(b) any lease at a fair rent temporary or perpetual, for the erection of a dwelling - house or manufactory or for mine, garden, tank, canal place of workshop, or burial ground, so long as the land continues to be used for the purpose specified in the lease; or

(c) any encumbrance grant, contract, or right of occupancy specially saved by order of the Financial Commissioner and proclaimed as hereafter provided,

**77. PROCEEDINGS AGAINST OTHER IMMOVABLE PROPERTY OF DEFAULTER-**(1) If the arrear cannot be recovered by any of the process here-inbefore provided or if the Commissioner considers the enforcement of any of those processes to be inexpedient, the Collector may, where the defaulter owns

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any other estate or holding or any other immovable property, proceed under the provisions of this Act against that property as if it were the land in respect of "which the arrear is due:

Provided that no interest save those of the defaulter alone shall be so proceeded against, and no encumbrance created, grants made or contracts entered into by him in good faith shall be rendered invalid by reason only of his interests being proceeded against.

(2) When the Collector determines to proceed under this section against immovable property other than the land in respect of which the arrear is due, he shall issue a proclamation prohibiting the transfer or charging of the property.

(3) The Collector may at any time by order in writing withdraw the proclamation and it shall be deemed to be withdrawn when either the arrear has been paid or the interest of the defaulter in the property have been sold for the recovery of the arrear ..

(4) Any private alienation of the property, or of any interest of the defaulter ' therein whether by sale, gift, mortgage, or otherwise, made after the issue of the proclamation and before the withdrawal there of shall be void.

(5) In proceeding against property under this section the Collector shall follows as nearly as the nature of the property will admit the procedure prescribed for the enforcement of process against land or which an arrear of land revenue is due.

**78. REMEDIES OPEN TO DENYING HIS LIABILITY FOR AN ARREAR-(1)**

Notwithstanding anything in section 66, when proceedings are taken under this Act for the recovery of an arrear, the person against whom the proceedings are taken may, if he denies his liability for the arrear or any part thereof and pays the same under protest made in writing at the time of payment and signed by him or his agent, institute, a suit ina Civil Court forthe recovery of the amount so paid.

(2) A suit under sub-section (1) must be instituted in a Court having jurisdiction in the place where the office of the Collector of the diStricts in which the arrear or some part thereof accrued is situated.

*Procedure in Sales*

**79. PROCLAMATION OF SALES-** (1) On the receipt of the sanction of the Commissioner of the sale of any immovable property, the Collector shall issue a proclamation of the intended sale, specifying-

(a) the date, time and plaCe of the sale;

(b) the property is to be sold for the recovery of an arrear due in respect thereof the encumbrances, grants contracts, and right of occupancy, if any, specially saved by order of the Financial Commissioner under Section 76, sub-section (2) clause (c);

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(d) if the property is to be sold otherwise than for the recovery of an arrear due in respect thereof any encumbrance, grant of contract to which the property is known to be liable: and

(e) the amount for the recovery of which the sale is ordered.

(2) Repealed.

(3) The Place of sale specified under clause (a) sub-section (1) must be either the office of the Collector of some place appointed by the Collector in this behalf and situate in or near the property to be sold.

**80. INDEMNITY TO REVENUE OFFICER WITH RESPECT TO CONTENTS OF PROCLAMATION** - A Revenue Officer shall not be answerable for any error, misstatement or omission in any proclamation under the last, foregoing section unless the same has been committed or made dishonestly.

**81. PUBLICATION OF PROCLAMATION-** (1) A copy of the proclamation shall be served on the defaulter and be posted in a conspicuous part of the office of the Tehsildar of the Tehsil in which the property to be sold is situate.

(2) After a copy of the proclamation has been served on the defaulter and posted in the office of the Tehsildar, a copy thereof shall be posted in the office of the Collector.

(3) The Proclamation shall be further published in the manner prescribed in section 22 and in such other manner as the Collector thinks expedient.

**82. TIME AND CONDUCT OF SALE** - (1) The sale shall not take place on a Sunday or other holiday, or till after the expiration of at least thirty days from the date on which the copy of the proclamation was posted in the office of the Collector.

(2) The sale shall be by public auction and shall be conducted either by the Collector in person or by a Revenue Officer specially appointed by him in this behalf.

**83. POWER OF POSTPONE SALE** - The Collector may, from time to time postpone the sale.

**84. STAY OF SALE-**If at any time before the bidding at the auction is completed the defaulter pays the arrears in respect of which the property has been proclaimed for sale, together with the costs incurred for the recovery thereof, to the officer conducting the sale, or proves to the satisfaction of that officer that he has already paid the same either at the place and in the manner prescribed under section 63 or into the Government treasury, the sale shall be stayed.

**85. PAYMENT OF DEPOSIT BY HIGHEST BIDDER-** When the highest bid at the auction has been ascertained the person who made that bid shall, on the requisition of the officer conducting the sale, pay to that officer a deposit of twenty-five per cent on the amount of his bid, and shall, on payment thereof, be

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declared to be the purchaser subject to the provisions of this Chapter with respect to the exercise of any right of pre-emption.

**86. CONSEQUENCE OF FAILURE TO PAY DEPOSIT-** If the person who made the highest bid fails to pay the deposit as required by the last foregoing section the property shall forthwith be put up again and sold and all expenses attending the first sale, and the deficiency of price, if any, which may happen on the resale, may be recovered from him by the Collector as if the same were an arrear of land revenue.

**87. REPEALED**

**88. TIME FOR PAYMENT IN FULL-** The full amount of the purchase money shall be paid by the purchaser before-the, close of the fifteenth day from that on which the purchaser was declared.

**89. PROCEDURE IN DEFAULT OF PAYMENT-** In default of payment of the full amount of the purchase money within the period mentioned in the last foregoing section the deposit referred to in section 86 or section 87, as the case may be shall, after defraying the expenses of the sale, be forfeited to the . Government and 'may if the Collector, with the previous sanction of the Commissioner, so directs, be applied in reduction of the arrear and the property shall be resold; and the defaulting purchaser shall have no claim to the property or to any part of the sum for which it may subsequently be sold.

**90. REPORT OF SALE TO COMMISSIONER-** Every sale of immovable property under this Chapter shall be reported by the Collector to the Commissioner.

**91. APPLICATION TO SET ASIDE SALE-** (1) At any time within thirty days from the date of the sale, application may be made to the Commissioner to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it.

(2) But a sale not be set astde on that ground unless the applicant proves to the satisfaction oftheCommisstoner that he has sustained substantial injury by reason of the irregularity or mistake.

The expression "due instalment" appears to have been used to exclude from the ambit of the relief such cmounts which had not become due till 15th June. 1965 and which may fall due only after the relief granted is withdrawn by the Government.

**92. ORDER OR CONFIRMING OR SETTING ASIDE SALE-(1)** After the expiration of thirty days from the date of the sale, if much application as is mentioned in the last foregoing sections has not been made or if such application has been made and rejected, the Commissioner shall make an order confirming the sale, and, if such application has been made allowed the Commissioner shall make an order setting aside the sale.

(2) An order made under this section shall be final.

**93. REFUND OF PURCHASE MONEY ON SETTING ASIDE OF SALE-** Whenever the sale of any property is set aside the purchaser shall be entitled to receive back his purchase money.

**94. PROCLAMATION AFTER POSTPONEMENT OR ON RESALE** - A sale made after a postponement under section 83 and a resale consequent on a purchaser's default under section 89 or on the setting aside of a sale under section 92 shall be made after the issue of a fresh proclamation in the manner hereinbefore prescribed for the sale.

**95. ON CONFIRMATION OF SALE POSSESSION AND CERTIFICATE TO BE GRANTED TO PURCHASER-** (1) After a sale has been confirmed in manner aforesaid the Collector shall put the person declared to be the purchaser, into possession of the property--sold, and shall grant him a certificate to the effect that he has purchased that property.

(2) The certificate shall state whether or not the property was sold for the recovery of an arrear due in respect thereof, and if it was so sold, shall set forth the encumbrance, grants, contracts and rights of occupancy, if any, specified in the proclamation of the sale as specially saved by order of the Financial Commissioner under section 76, sub-section (2) clause (9c).

(3) The certificate shall be a valid transfer of the property but need not be registered as a conveyance.

(4) Any suit brought in any Court against the certified purchaser on the ground that the purchase was made on behalf of a person other than the certified purchaser shall be dismissed with costs.

(5) The certified purchaser of any immovable property shall be entitled to all rents profits falling due in respect of the property after the date of the confirmation of the sale and be liable for all instalments of land revenue and rates and cesses falling due in respect thereof after that date.

**96. PROCEEDS OF SALE** - (1) When a sale of immovable property under this Chapter has been confirmed the proceeds of the sale shall be applied in the first place to the payment of any arrears including costs incurred for the recovery thereof due of the Government from the defaulter at the date of the confirmation of the sale, whether the arrears are of land revenue, or of sums recoverable as arrears of land revenue and the surplus, if any, shall be paid to the person whose property has been sold, or if the property sold was owned by more than one person, then to the owners either collectively or according to the amount of their recorded interests, as the Collector thinks fit.

(2) The surplus shall not, except under an order of a Court, be paid to any creditor of a person whose property has been sold.

(3) If the proceeds of the sale fall short of such arrears as are referred to in sub-section (1), the balance remaining due from defaulter may be recovered from him by further proceedings under this Chapter or by any other mean authorised by law.

**CHAPTER VII**

**RECOVERY OF OTHER DEMANDS BY REVENUE OFFICERS**

**97. RECOVERY OF CERTAIN ARREARS THROUGH OFFICER INSTEAD OF SUIT-**

When a village officer required by rules under section 28 to collect any land revenue or sum recoverable as an arrears of land revenue satisfies revenue officer that the revenue or sum has fallen due and has not been paid to him, the Revenue Officer may subject to any rules which the Financial Commissioner may make in this behalf recover it as if it were an arrear of land revenue.

**98. OTHER SUMS RECOVERABLE AS ARREARS OF LAND REVENUE-** In addition to any sums recoverable as arrears of land revenue under this Act or any other enactment for the time being in force, the following, sums may be so recovered, namely:-

(a) fees, fines, costs and other charges including the village officers cess payable under this Act

(b) revenue due to the Government on account of pasture or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of other rights described in section 41 or section 42 in cases which the revenue so due has not been included in the assessment of an estate:

(c) fees payable to district boards or local board under section 33 of the Punjab District Boards Act 1883, for the use of or benefits deprived from such works as are referred to in section 20 clauses (i) and (ii), of that Act;

(d) sums leviable by or under the authority of the Government as water rates or on account of the maintenance or management of canals, embankments or other irrigation works, not being sums recoverable as arrears of land revenue under any enactment for the time being in force; and

<sup>1</sup>[(dd) A loan advanced by the State Government towards the costs of a house or site under government sponsored Housing Scheme together with interest chargeable thereon and costs, if any, incurred in making or recovering the same.

<sup>2</sup>[(dd) a loan advanced by the State Government to an industrial worker under a Government sponsored scheme for providing relief to industrial workers temporarily thrown out of employment due to hostilities with Pakistan, together with interest, if any chargeable thereon and costs incurred in making or recovering, such loans.

<sup>3</sup>(ddd) a loan advanced by the State Government under a Government sponsored scheme-

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<sup>1</sup> Punjab Act No.5 of 1956.

<sup>2</sup> Punjab Act No.5 of 1966.

<sup>3</sup>.Pb. Act I of 1968 w.e.f. 3rd July, 1967 & Hr. Act 9 of 1967. w.e.f. 25th June, 1966.

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**AS IN PUNJAB**

(1) to give relief to persons who were uprooted from their homes, profession or trade as a result of the aggression committed by Pakistan in September, 1965: or

(ii) to persons carrying on any profession or trade, in any premises, where such premises or the goods stocked therein suffered any damage due to anson or any other unlawful act during the anti-Punjabi Suba agitation which took place in the month of March, 1966; or

(iii) to give relief to such class of persons who are uprooted after the commencement of the Punjab Land Revenue (Amendment) Act, (1) of 1968 from their homes, profession or trade due to any war, aggression, internal disturbance or natural calamity, as the State Government may in public interest, specify in

this behalf;

together with interest, if any, chargeable and costs incurred in advancing or recovering such loan.

**CLAUSE (e) AS IN PUNJAB** (e) - Sums payable to the Government by a person who is surety for the payment of any of the foregoing sums or of any other sum recoverable as an arrear of land revenue in Punjab.

**Clauses (e), (f), (.g), (h), (i) and (j) as in Haryana**

(e) a loan advanced by the State "Government to a scholar under the National loan Scholarship Scheme together with interest, if any, chargeable therein and costs incurred in making or recovering same;

(f) a loan advanced by the Haryana Harijan' Kalyan Nigam to the members of the Scheduled Castes together with interest, if any chargeable thereon arid costs incurred in making or recovering the same;

(g) loan advanced by the State Government to:-

(i) a student under the Haryana Engineering Education Loan Rule;

(ii) a member of a Scheduled Caste under the rules fo, grant of loan for purchase Evacuee land in Bet and non-Bet areas; or

(iii) a person under the Rules for the grant of loan for repair of houses in urban areas; together with interest, if any, chargeable thereon and costs incurred advancing or recovering the same;

(h) cost of training recoverable by the State Government from a trainee in an Industrial Training Institute or Centre Under the Craftsmen Training Scheme and the expenses incurred for its recovery;

(i) a loan advanced to Ex-servicemen individually or as member cooperative societies from the Special Fund for the Reconstruction and Rehabilitation of Ex-servicemen under various schemes or projects; (i) sums

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payable by a person who is surety for the payment of any of the foregoing sums or of any other sum recoverable as an arrear of land revenue.

**99. APPLICATION OF CHAPTER VI TO SUMS RECOVERABLE UNDER THIS CHAPTER-** (1) The provisions of Chapter VI shall with respect to any sum mentioned or referred to in this Chapter, pay, so far as they can be made applicable as if the sum were an arrear of land revenue and the person from whom, either as principal or as surety, it is due were a defaulter in respect of such an arrear.

(2) Unless any such is declared by any enactment for the time being in force to be recoverable as if it were an arrear of land revenue due in respect of the land charged therewith, the provisions of Section 77 shall apply under subsection (1) of the recovery thereof.

**CHAPTER VIII  
SURVEYS AND BOUNDARIES**

**100. POWERS OF FINANCIAL COMMISSIONER TO MAKE RULES FOR DEMARCATION OF BOUNDARIES AND ERECTION OF SURVEY MARKS-**(1)The Financial Commissioner may make rules as to the manner in which the boundaries of all or any estates in any local area to be demarcated and as to the survey marks to be erected within those estates.

(2) Rules under this section may prescribe, among other matters the form of survey mark and the material to be used in their construction.

**101. POWER OF REVENUE OFFICER TO DEFINE BOUNDARIES-**(1) A Revenue Officer may, for the purpose of framing any record or making any assessment under this Act, or on the application of any person interested define the limits of any estate, or of any holding, filed or other portion of an estate, and may, for the purpose of indicating those limits require survey marks to be erected or repaired.

(2) In defining the limits of any land under sub-section (1), the Revenue Officer may cause survey marks to be erected on any boundary already determine by, or by order of, any Court Revenue Officer or Forest Settlement Officer, or restore any survey mark already set up by or by order of any Court or any such officer ..

**101-A POWER TO FIX BOUNDARY BETWEEN RIVERAIN ESTATES**(1) When any two or more estates are subject to river action and the limits of any such estates or by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course or action of such river, the State Government may order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action.

(2) Upon an order being made under sub-section (1) the Collector shall fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under section 100 and the provisions of section 101.

(3) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights therein, in such manner as may be just and equitable in the, circumstance of each case.

(4) No such boundary line shall be deemed to have been permanently' fixed until it has been approved by the Financial Commissioner.

**101-B EFFECT OF FIXING A BOUNDARY BEJTWEEN RIVERAIN ESTATES-**( 1) Every boundary line fixed in accordance with the provisions of section 101-A shall notwithstanding any law or custom,of any decree or order of any court of law, to the contrary, be fixed and constant boundary between the estates *affected* thereby, and the proprietary and all othfer rights, in every holding, filed' or other portion of an estates situate on each side of the boundary line so fixed, shall subject to the following proviso, vest, in the landowners of the estates which lies on that side of the boundary line on which such holding, field or other portion of an estate is situate:

Provided that, if, by the operation, of this section the proprietary or any other rights in any land which at the time a boundary line is *fixed* is under cultivation, or reasonable fit for cultivation or yields and produce of substantial value, would be transferred *from* the landowners and other right-holder of any. one estate to the landowners of any other estate, the Collector shall by written order direct that the rights in such land, shall, subject to the provisions of section 101-C and section 101-D not be so transferred unless and until the land, in respect of which any such order as made ceases to be reasonably fit for cliltivation, or to yield any produce of substantial value, and upon any such order being made, the transfer of the rights in such land shall be suspended accordingly.

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation or to yield any produce of substantial value, the order shall, when the Collector in writing so directs, cease to operate as to that portion.

(2) The decision of the Collector as to whether for the purpose of the proviso to sub-section, any land is not reasonably fit for cultivation, or does or dues not yield any produce of substantial value shall be final.

**101-C APPLICATION FOR IMMEDIATE TRANSFER OF RIGHTS RESERVED UNDER THE PROVISIO TO SUB-SECTION (1) OF SECTION 101B UPON PAYMENT OF COMPENSATION AND PROCEDURE THEREUPON**(1) When any order has been made under the proviso to sub-section (1) of section 101-B, the landowners (or any of them) in whom, but for such order the rights in the land specified therein, would vest, may apply in writing, to the

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Collector to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) Award of compensation and extinguishment of rights thereby-When an application under sub-section (1) is made, the Collector shall-

(a) fix a day for the hearing of the application;

(b) cause notice of the application, and of the day fixed for the hearing thereof to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of section 101-B; and all other persons interested or claiming to be interested therein;

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights, found established therein, to the persons severally entitled therein;

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf:

Provided that, notwithstanding anything in this sub-section contained it shall be lawful for the Collector, in his discretion and at any time before an award of compensation thereon; has been compensation made, to reject any application made under sub-section (1).

(3) In awarding compensation under sub-section (2) the Collector shall be guided by the provisions of Section 23 and Section 21 of the Land Acquisition Act, 1894 (Act I of 1894) so far as the same may be applicable to the circumstances of the case.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector. the order made under the proviso to sub-section (1) of section 101-B, shall cease to operate, and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of Section 101-B, notwithstanding anything in the proviso thereof contained, and the Collector shall proceed to tender in the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the provision to sub-section (1) of section 101-B, shall, under the provisions of sub-section (4) of this section cease to operate and determine, all rights reserved to any person by such order shall be extinguished.

**101-D ORDER UNDER THE PROVISIO TO SUB-SECTION (1) OF SECTION 101-B TO CEASE TO APPLY TO RIGHTS VOLUNTARILY TRANSFERRED TO A LANDOWNER OF THE ESTATE TO WHICH THE LAND IS TRANSFERRED BY FIXING 60UNDARY-** When any person possessing any

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rights in any land, in regard to the rights in which an order has been made under the provision to sub-section (1) of Section 101-B voluntarily transfers such rights to any landowner of the estate, in the land owners of which but for such order, such rights would vest under the operation of sub-section (1) of Section 101-B. the rights so transferred shall forth with cease to be subject to such order.

**101-E RIGHTS TRANSFERRED TO BE LIABLE TO ALL THE INCIDENTS OF TENURE OF THE ESTATE TO WHICH THE TRANSFER IS MADE** - In every case in which, by the operation of section 101-B, or Section 101-C, or Section 101-D, proprietary or other rights in hand are transferred from the landowners and other rights holders of any estate to the landowners of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the landowners of the estate to which such rights are so transferred.

**101. F MEANING OF THE EXPRESSION "COLLECTOR" IN SECTIONS 101-A, 101-B AND 101-C-** For the purposes of Sections 101-A, 101-B and 101-C, respectively the expression "Collector" shall be deemed to include any Revenue Officer appointed by the State Government to perform all or any the functions of a Collector under any of the provisions thereof.

**102. COST OF ERECTION AND REPAIR OF SURVEY MARKS-** Subject to any rules which the Financial Commissioner may make in this behalf, survey marks shall be erected and kept in repair by or at the cost of the person interested in the land for indication of the limits of which they are required:

Provided that the State Government may in any case direct the cost of erection shall be borne by the Government or be paid out of the proceeds of the village officer's case.

**103. RECOVERY OF COSTS INCURRED BY THE GOVERNMENT-** (1) If the persons interested in the land fail to erect or repair a survey-mark within thirty days from the date of their being required by a Revenue Officer to do so the Revenue Officer may cause it to be erected or repaired.

(2) Where the Revenue Officer causes a survey-mark to be erected or repaired, he shall, subject to any rules or directions under the last foregoing section, apportion the cost among the persons interested in the land in such manner as he deems just. and certify the same to the Collector.

(3) The Collector may recover the cost as if it were an arrear of land revenue.

**104. POWER OF THE REVENUE OFFICER TO ENTER ON LAND FOR PURPOSES OF SURVEY OF DEMARCATION** - Any Revenue Officer, and a person acting under the orders of a Revenue Officer, may, in the discharge of any duty under this Act, enter upon and survey land and erect survey-mark thereon and perform the duties of that duty.

**105. SURVEY FOR PURPOSE OF PREPARATION OF RECORDS-** (1) When any land being surveyed in pursuance of rules under Section 46, clause

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(c), any revenue Officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to indicate, within a specified time, by temporary marks of kind to be described in the notice or proclamation, the limits of those rights or interest.

(2) If person to whom the notice or proclamation is addressed fails to comply with the requisition he shall be liable at the discretion of the Revenue Officer to fine which may extend to ten rupees.

**106. PROVISION OF FLAGHOLDERS AND CHAINMEN FOR THOSE SURVEYS-** (1) For the purposes of survey of any land in pursuance of rules - under section 46, clause (c) the landowner shall be bound to provide fit persons to act as flagholders and chainmen.

(2) If the landowners fail to provide such persons or to provide them insufficient number, such other persons as a Revenue Officer considers necessary may be employed and the cost of employing them recovered from the landowners as if it were an arrear of land revenue.

**107 PROFESSIONAL SUREVEYS-** (1) If it is necessary to make a survey by other agency than that of Revenue. Officer or village officers, the State Government may publish a notification stating-

- (a) the local area to be surveyed and the nature of the survey;
- (b) the names or official designation of the officers by whom the survey is to be made; and
- (c) the kind of survey-marks to be erected by those officers.

(2) From the date of the notification the officers specified therein, and the persons acting under orders, their orders shall have for the purposes of the survey the powers conferred on Revenue Officers by Section 104.

**108 PENALTY FOR DESTRUCTION, INJURY OR REMOVAL OF SURVEY MARKS-**(1) If any person wilfully destroys or injures or without lawful authority remove as survey-marks lawfully erected, he may be ordered by a Revenue Officer to pay such fine not exceeding fifty rupees for each mark to destroyed, injured or removed as may, in the opinion of the Revenue Officer, be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal

(2) The imposition of a fine under the section shall not bar a prosecution under section 434 of the Indian Penal Code

**109. REPORT OF DESTRUCTION OR REMOVAL OR INJURY TO SURVEY MARKS-** Every village officer of an estate shall be legally bound to furnish a Revenue Officer with information respecting the destruction or removal of, or any injury done to any survey-mark lawfully erected in the estate.

**CHAPTER IX  
PARTITION**

**110. EFFECT OF PARTITIONS OF ESTATES AND TENANCIES ON JOINT LIABILITY FOR REVENUE AND RENT-** (1) A partition of land, either under this Chapter or otherwise, not, without the express consent of the Financial Commissioner, after the joint liability of the land or of the landowners thereof for the revenue payable in respect of the land or operate to create a new estate, and, if any conditions are attached to that consent, those conditions shall be binding on the parties to the partition.

(A) A partition of a tenancy shall not without the express consent of the landlord affect the joint liability of the co-sharers therein for the payments of the rent thereof.

**111. APPLICATION FOR PARTITION-**Any joint-owner of land or any joint tenant or a tenancy in which a right of occupancy Subsists, may apply to a Revenue Officer for partition of his share in the land or tenancy, as the case may be, if-

(a) at the date of the application the share is recorded under Chapter IV as belonging to him; or

(b) his rights to the share has been established by a decree which is still subsisting at that date; or

(c) a written acknowledgement of that right has been executed by all persons interested in the admission or denial thereof.

**Case Law**

**Section 111-Partition of Land--** Land situated in two villages- Single applicationHeld-As matter of fact, when the application was moved for partition of the land of two Khewats, both these Khewats were part and parcel of one Hadbast and, thereafter, due to re-demarcation of the area land was separated-One application maintainable.; Kulwant Singh & ors. v. The Assistant Collector Second Grade, Nathusari Chopta & ors.  
2003(1) Land L.R. (Pb & Hry) (DB) 233

**112. RESTRICTION AND LIMITATIONS ON PARTITION**

Notwithstanding anything in the last foregoing section-

(1) Places of worship and burial grounds held in common before partition shall continue to be so held after partition, unless the parties otherwise agree among themselves and record their agreement and file it with the Revenue Officer:

(2) Partition of any of the following .properties. namely:

(a) any embankment, watercourse, well or tank, and any land on which the supply of water to any such work may depend;

(b) any gazing ground; and

(c) any land which is occupied as the site of a town or village and is assessed to land revenue;

may be refused if, in the opinion of Revenue Officer, the partition of such property is likely to cause inconvenience to the co-sharers, or other persons

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directly or indirectly interested therein, or to diminish the utility thereof to those persons;

(3) The facts that a partition on the application of a joint owner of land would render necessary the severance into two or more parts of the land comprised in the tenancy of a tenant having a right of occupancy may unless the tenant assents to the severance, be a sufficient reason for the disallowance of the partition in so far so it would affect that tenancy; and

(4) The fact that the landlord objects to the partition of a tenancy may be sufficient reason for the absolute disallowance of the partition thereof.

**113. NOTICE OF APPLICATION FOR PARTITION-** The Revenue Officer, on receiving the application under Section 111, shall, if it is in order and not open to objection on the face of it, fix a day for the hearing, and:-

(a) cause notice of the application and of the day so fixed to be served on such of the recorded co-sharers as have not joined in the application and, if the share of which partition is applied for is a share in a tenancy, on the landlord also; and

(b) if he thinks fit, cause the notice to be served on proclaimed for the information of any other persons whom he may deem to be directly or indirectly interested in the application.

**114. ADDITION OF PARTIES TO APPLICATION -** On the day fixed for the hearing, or on any day to which the hearing may be adjourned, the Revenue Officer shall ascertain whether any of the other co-sharers desire the partition of their shares also and, if any of them so desire, he shall add them as application for partition.

**115. ABSOLUTE DISALLOWANCE OF PARTITION -** After examining such of the co-sharers and other persons as may be present on that day, the Revenue Officer may, if he is of opinion that there is good and sufficient cause why partition should be absolutely disallowed, refuse the application, recording the ground of his refusal

**116. PROCEDURE ON ADMISSION OF APPLICATION-** If the Revenue Officer does not refuse the application under the last foregoing section he shall ascertain the question, if any the dispute between any of the persons interested distinguishing between

(a) questions as to title in the property of which partition is sought and,

(b) question as to the property to be divided, or the mode of making the partition.

**117. DISPOSAL OF A QUESTIONS AS TO TITLE IN PROPERTY TO BE DIVIDED: (1)** Where therein a question as to title in any of the property or which partition is sought, the Revenue Officer may decline to grant the application for partition until the question has been determined by a competent Court, or he may himself proceed to determine the question as though he were such Court.

(2) Where the Revenue Officer himself proceeds to determine the question, the following rules shall apply, namely:

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(a) If the question is one which a Revenue Court has jurisdiction, the Revenue Officer shall proceed as Revenue Court under the provisions of the Punjab Tenancy Act, 1887.

(b) If the question is one over which a Revenue Court has jurisdiction the procedure of the Revenue Officer shall be that applicable to the trial of a original suit by a Civil Court and he shall record a judgment and decree containing the particulars required by the Code of the Civil Procedure to specify therein.

(c) An appeal shall lie from the decree of the Revenue Officer under clause (b) as though that decree were a decree of a <sup>1</sup>Subordinate Judge in an original suit.

(d) Upon such an appeal being made, the <sup>2</sup>[District Court or High Court as the case may be may issue an injunction to the Revenue Officer requiring him to stay proceedings pending the disposal of the appeal].

(e) From the appellate decree of a District Court upon such an appeal further appeal shall lie to the <sup>3</sup>High Court if such a further appeal is allowed by the law for the time being in force.

**118. DISPOSAL OF OTHER QUESTIONS-** (1) Where there is question as to property to be divided or the mode of making a partition, the Revenue Officer shall after such inquiry as he deems necessary, record an order stating his decision on the question and his reasons for the decision.

(2) An appeal may be preferred <sup>4</sup>[from an order under sub-section (1) within fifteen days from the date thereof, and, when such an appeal is preferred and the institution thereof has been certified to the <sup>5</sup>Revenue Officer by the authority to whom the appeal has been preferred the Revenue Officer shall stay proceedings pending of the appeal.

(3) If an applicant for partition is dissatisfied with an original or appellate order under this section and applies for permission to withdraw from the proceedings in so far they relate to the partition of his shares, he shall be permitted to withdraw therefrom on such terms as the Revenue Officer thinks fit.

(4) When an applicant withdraws under the last foregoing sub-section the Revenue Officer may, where the other applicants if any desire the continuance of the proceedings, continue them in so far they relate to the partition of the shares of those other applicants.

<sup>1</sup>Substituted for ' District Judge' by the Punjab Courts Act, 1918(VI of 1918) sec. 49

<sup>2</sup> Substituted for ' Divisional Court' by the Punjab Courts Act, 1981, section 49

<sup>3</sup> Substituted for the words 'Chief Court' by Act XVIII of 1919.

<sup>4</sup>The words 'to the Commissioner' were repealed by the Decentralisation Act (IV of 1914).

<sup>5</sup> Substituted for the word 'Commissioner' by the Decentralization Act (VI of 1914).

**119. ADMINISTRATION OF PROPERTY EXCLUDED FROM PARTITION** - When any such property as is referred to in section 112 clause (2) is excluded from partition the Revenue Officer may determine the extent and manner to and in which the co-sharer and other persons interested therein may make use thereof and the proportion in which expenditure incurred thereon and profits derived therefrom respectively, are to be borne by and divided among those persons or any of them.

**120 DISTRIBUTION OF REVENUE AND RENT AFTER PARTITION** (1) The amount revenue to be paid in respect of each of the holding into which land has divided on a partition and the amount of rent to be paid in respect of each of the portions into which a tenancy has been so divided, shall be determined by the Revenue Officer making the partition.

(2) The determination of the Revenue Officer, as to the revenue to be paid in respect of each holding, shall where estate in which holding is situate subject to a fixed assessment, be deemed to be an order under section 56, sub-section (1)

(3) Where new estates have been created a partition and the land revenue has been fraudulently or erroneously distributed among them, the State Government may, within twelve years from the time of discovery of the fraud or error, order a new distribution of the land revenue among the several estates 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.

**121. INSTRUMENT OF PARTITION** - When a Partition is completed, the Revenue Officer shall cause an instrument of partition to be prepared, and the date on which the partition is to take effect to be recorded therein.

**122. DELIVERY OF POSSESSION OF PROPERTY ALLOTTED ON PARTITION-** An owner or tenant to whom any land or portion of tenancy, as the case may be, is allotted in proceedings for partition shall be entitled to possession thereof as against the other parties to the proceedings and their legal representatives and a Revenue Officer shall, on application made to him for the purpose by any owner or tenant at any time within three years from the date recorded in the instrument of partition the last foregoing section give effect to that instrument so far as it concerns the applicant as if it were a decree for Immovable property.

**123. AFFIRMATION OF PARTITION PRIVATELY EFFECTED** - (1) In any case in which a partition has been made without the intervention of a Revenue Officer, any party thereto any apply to a Revenue Officer for an order affirming the partition.

(2) On receiving the application, the Revenue Officer shall inquire into the case, and if he finds that the partition has in fact been made, he may made an order affirming it and proceed under Sections 119, 120, 121 and 122, or any

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of those sections, as circumstances may require, in the same manner as if the partition had been made on an application to himself under this Chapter.

**124. POWER TO MAKE RULES AS TO COSTS OF PARTITIONS-** The Financial Commissioner may make rules for determining the costs of partitions under this Chapter and the mode in which such costs are to be apportioned.

**125. REDISTRIBUTION OF LAND ACCORDING TO CUSTOM-** When by established custom any land in an estate is subject to periodical redistribution a Revenue Officer may, on the application of any of the landowners, enforce the redistribution according to the custom, and for this purpose may exercise all or any of the power of a Revenue Officer in proceedings for partition.

**126. OFFICERS WHO MAY BE EMPOWERED TO ACT UNDER THE CHAPTER-** The Revenue Officer by whom proceedings may be taken under this Chapter shall be a Revenue Officer of a class not below that of Assistant Collector of the First Grade.

## **CHAPTER X**

### **ARBITRATION**

**127. POWER TO REFER TO ARBITRATION** -(1) Any Revenue Officer may, with the consent of the parties refer to arbitration any dispute arising before him in any matter under this Act.

(2) A Collector or any Assistant Collector of the first grade may without the consent of the parties; refer to arbitration any dispute before him with respect to-

(a) any matter of which an entry is to be made in any record or register under Chapter IV;

(b) any matter relating to the distribution of an assessment under section 56

(c) the limits of any estate or of any holding, filed or other portion of an estate; or

(d) the property to be divided at a partition or the mode of making a partition.

56;

**128. ORDER OF REFERENCE AND CONTENTS THEREOF-**(1) In referring a dispute to arbitration a Revenue Officer shall make an order of reference and specify therein precise matter submitted to arbitration, the number of arbitrators which each party to the dispute is to nominate, the period within which arbitrators are to be nominated and the period within which the award is to be delivered.

(2) The number of arbitrators which each party may nominate must be the same and must exceed two.

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(3) If from any cause arbitrators are not nominated, or award is not delivered, within the period fixed thereof in the order of reference, the Revenue Officer may from time to time enlarge that period, or may cancel the order of reference.

**129. NOMINATION OF ARBITRATORS** - (1) When an order of reference has been made, the parties may each nominate the number of arbitrators specified in the order, and the Revenue Officer shall nominate one other arbitrator.

(2) The Revenue Officer may, for reasons to be recorded by him make an order disallowing any nomination made by either party and requiring the party to make another nomination within a time to be specified in the order.

(3) An order under the last foregoing sub-section shall be final.

**130. SUBSTITUTION OF ARBITRATORS BY PARTIES**-If an arbitrator nominated by a party dies, desires to be discharged or refused or become incapable to act, the party may nominate another in his stead.

**131. NOMINATION AND SUBSTITUTION OF ARBITRATORS BY REVENUE OFFICERS** - In any of the following cases namely:

(a) if either of the parties fails to nominate an arbitrator under sub-section (1) of section 129 within the period fixed in the order of reference, or

(b) if the nomination of an arbitrator has been disallowed under sub-section (2) of section 129 and another arbitrator is not nominated within the time specified in the order under that sub-section or, having been so nomination his nominated is also disallowed, or

(c) if a party entitled to nominate an arbitrator in the place of another arbitrator under section 130 fails to nominate him within one week from the date of communication to him of a notice requiring him to make the nomination, or

(d) if an arbitrator nominated by the Revenue Officer dies, desires to be discharged or refuses or becomes incapable to act the Revenue Officer may nominate a person as arbitrator.

**132. PROCESS FOR APPEARANCE BEFORE ARBITRATORS**-(1) The Revenue Officer shall, on the application of the arbitrator, issue the same process to the parties and witness whom the arbitrators desire to examine as he may issue in any proceeding under this Act before himself.

(2) Any such party or witness shall be bound to appear before the arbitrator in obedience to a process issued under sub-section (1) either in person or by agent, as the arbitrators may require.

(3) The person attending in obedience to the process shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as may be specified in the process.

**133. AWARD OF ARBITRATORS AND PRESENTATION THEREOF-** The arbitrators shall make an award in writing under their hands concerning the matter referred to them for arbitration and state therein their reasons therefor and any arbitrator dissenting from the award made by a majority of the arbitrators shall state the grounds of his dissent.

(2) The arbitrators shall present the award to the Revenue Officer in person unless that officer permits them to present it by agent.

**134. PROCEDURE ON PRESENTATION OF AWARD-**When the award has been received, the Revenue Officer shall, if the parties are present, consider forthwith any objections which they may have to -make thereto, and, if they are not present fix a date for the consideration thereof.

(2) Where a date has been fixed for the consideration of an award the Revenue Officer shall on that date, or on any subsequent date to which an adjournment may be made, hear any objections which the parties any have to make to the award.

(3) The Revenue Officer may also; if he thinks fit, question the arbitrators as to grounds of their award.

**135. EFFECT TO AWARD-** (1) The Revenue Officer may accept, modify or reject the award, recording his reasons for doing so in his decision, respecting the dispute which was referred to arbitration.

(2) An appeal shall lie from the decision as if arbitrators had not been appointed .

## **CHAPTER XI SPECIAL JURISDICTION WITH RESPECT TO LAND**

**136. POWER TO INVEST OFFICERS MAKING RECORDS OF RIGHTS OR GENERAL REASSESSMENTS WITH POWERS OF CIVIL COURTS-** (1) The State Government may by order published in the official Gazette, invest any Revenue Officer making or specially revising records of rights in any local area in pursuance of a notification under section 32 or making a general re-assessment of land revenue in any local area in pursuance 'of a notification under section 49 or any Revenue Officer in a Colony, pursuance of a notification under section 49 or any Revenue Officer in a Colony, or any Revenue Officer to whose control that office is subject, with all or any of the powers of any Court constituted under the Punjab Courts Act, 1884, for the purpose of trying all or any specified classes of suits or appeals relating to land arising in the local area.

(2) The State Government may cancel an order under sub-section (1) wholly or in part

(3) While an order or any part of an order under that sub-section continues in force, the powers conferred thereby shall be exercised by the officers invested with and not otherwise.

(4) Any cases pending before that officer under the order or a subsection part of the order at the time of cancellation thereof may be disposed of by him as if the order or that part of it continued in force unless the State Government directs, as it is hereby empowered to do, that those cases shall be transferred to disposal to the Courts by which they would have been disposed of if the order had not been published .

**137. CONTROL OVER SUCH OFFICERS' AND APPEALS FROM AND REVISION OF THEIR DECREES AND ORDERS** -

(1) The State Government may by notification direct that the provisions of this Act with respect to the superintendence and control over Revenue Officer shall, subject to any modification of these provisions which the State Government thinks fit, apply to any Revenue Officer, except the Financial Commissioner, who has been invested with the powers of a Civil Court of any of the classes specified in clauses (a), (b), (c) and (d) of section 17 of the Punjab Courts Act, 1884 and that appeal shall lie from his decrees and orders to, and his decrees and orders be subject revision by a Revenue Officer invested under the last foregoing section with the powers of a Court which would be competent under the Punjab Courts Act, 1884 to hear appeals from, or revise, such decrees and orders if they had been made by a court with the powers, of which Revenue Officer who made them has been invested.

(2) In the absence of any such notification, a Revenue Officer invested under the last foregoing section with the powers any such Civil Court as aforesaid shall, with respect to the exercise of those powers, be deemed to be such a Civil Court for the purposes of the Punjab Courts Act, 1884. (XVIII' of 1884).

**CHAPTER XII SUPPLEMENTAL PROVISION**

*Revenue Deposits.*

**138. POWER TO DEPOSIT CERTAIN SUMS OTHER THAN TENANT** - In either of the following cases, namely-

(a) when a headman or either landowner, or an assignee of land revenue, to whom any sum other than rent is payable on account of a liability under this Act, refuse to receive the sum from or to grant a receipt therefor to the person by whom it is payable;

(b) when the person by whom any such sum is payable is in doubt as to the heading or other landowner, or the assignees of land revenue entitled to receive it,

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that person may apply to a Revenue Officer for leave to deposit the sum in his office. and the Revenue Officer shall receive the deposit if, after examining the applicant, he is satisfied that there is sufficient ground for the application. and if the applicant pays the fee, if any which may be chargeable on any notification to be issued of the receipt there is sufficient ground for the application, and if the applicant pays the fee, if any which may be chargeable on any notification to be issued of the receipt thereof.

(2) When a deposit has been so received the liability of the depositor to the headman or other landowner, or the assignee of land revenue for the amount thereof shall be discharged.

**139. DEPOSITION ON ACCOUNT OF A PAYMENT DUE TO GOVERNMENT** - If the deposit purports to be made on account of any payment due to the Government it may be credited accordingly.

**140. PROCEDURE IN CASE OF OTHER DEPOSITS-** (1) A Revenue Officer receiving a deposit purporting to be made on any other account shall give notice of the receipt thereof every person who, he has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled to the same or may, if he thinks fit, restrain the deposit pending the decision of a Civil Court as to the person so entitled.

(2) No suit or other proceedings shall be instituted against the Government, or against any officer of the Government in respect of any thing done by a Revenue Officer under this section, but nothing in this Sub-section shall prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it has been paid by a Revenue Officer. Execution of Orders of Civil and Criminal Courts by Revenue Officers

**141. ORDERS OF CIVIL AND CRIMINAL COURTS FOR EXECUTION OF PROCESS AGAINST LAND OR THE PRODUCE THEREOF TO BE ADDRESSED TO A REVENUE OFFICER-** Orders issued by any Civil or Criminal Court for the attachment, sale or delivery of any land or interest in land or for the attachment or sale of the produce of any land, shall be addressed to the Collector or such Revenue Officer as the Collector may appoint in this behalf and be executed by the Collector or that officer in accordance with the provisions of the law applicable to the Court issuing the orders and with any rule consistent therewith made by the Financial Commissioner with the concurrence of the High Court and the previous sanction of the State Government.

**142. ATTACHMENT OF ASSIGNED LAND REVENUE-(1)** Notwithstanding anything in any other enactment for the time being in force an order issued by any Court for the attachment of assigned land revenue shall require the person by whom the revenue is payable to pay it to the Collector, and the Collector to hold, it subject to the further order of the Court.

(2) A payment to the Collector under sub-section (1) shall be an effectual discharge to the person making it.

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*Preservation of attached produce*

143. **PRESERVATION OF ATTACHED PRODUCE-**(1) The attachment of the produce of any land in pursuance of an order of any Court or other authority shall not prevent the person to whom the produce belongs from reaping, gathering or storing it or doing any other act necessary for its

preservation.

(2) The attaching officer shall be or cause to be done all acts necessary for the preservation of the produce if the person to whom it belongs fails to do so.

(3) When sale of produce follows on its attachment, the purchaser shall be entitled by himself or by any person appointed by him in this behalf, to enter on the place where the produce is and do all that is necessary for the purpose of preserving and removing it.

*Division of produce*

144. **DIVISION OF PRODUCE-**In either of the following cases, namely:

(a) where land revenue is paid by division or appraisement of the produce;

(b) Where a superior and inferior landowner, or two or more share holders in a holding or tenancy, are jointly interested in any produce, and either or any of the landowners, or tenants as the case may be, desires the assistance of a Revenue Officer, for the purpose of dividing or appraising the produce, the provisions of the Punjab Act, 1887, with respect to the division or appraisement of produce shall apply so far they can be made applicable.

*Miscellaneous*

145. **VILLAGE CESSSES-**( 1) At any to the following times, namely:

(a) when a record of rights is being made or specially revised for an estate

(b) when the local area in which an estate is situate is being generally reassessed and before the assessment has been confirmed;

(c) at any other time on an order made with respect to any estate by the State Government.

A Revenue Officer shall prepare a list of village cesses, if any levied in the estate which have been generally or specially approved by the State Government or title to which has before the passing of this Act, been judicially established ..

(2) Repealed.

(3) The State Government may impose on the collection of any village cess comprised in the list such conditions as to police or other establishment connected with the village, market or fair in or an account of which the cess is levied, as it thinks fit.

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(4) The State Government may declare whether any cess, contribution or due levied in an estate is or is not a village cess.

(5) A declaration of the State Government under the last foregoing sub-section shall be conclusive, and shall not be liable to be questioned in any court.

**146. SUPERIOR LANDOWNERS DUES-**Where a superior landowners is entitled to receive in respect of any land from an inferior landowner dues in kind or in cash of fluctuating quantity or amount, the Collector may;-

(a) on the application of both landowners; or

(b) with the previous sanction of the State Government on the application of either of them;

commute those dues into. a fixed percentage of the land revenue payable by the inferior landowner in respect of the land ..

**147. SUBSTITUTION OF SERVICE FOR PAYMENT OF LAN REVENUE: (1)** The State Government may authorise the remission of land revenue in whole or in part consideration of the person liable therefor undertaking to render in lieu hereof such public service' as may be specified in an agreement to be approved by the State Government and executed by that person.

(2) The State Government may cancel any remission authorised, and agreement made under sub-section (1).

(3) If a landowner bound by an' agreement under that sub-section to render public service in lieu of paying land revenue fails to render the service to the satisfaction of the Collector, the Collector may determine the portion of the land revenue remitted which is represented by the service in respect of the land landowner is default and with the previous sanction of the Financial Commissioner, recover that portion as if it were an arrear of land revenue due in respect of the land for the land revenue hereof the service was substituted.

**148. RECOVERY OF COST OF ASSESSING ASSIGNED LAND REVENUE-**(1) When land of which the land revenue has been assigned in whole or in part is reassessed the assignee shall be liable to pay such a share of the cost of the making the re-assessment as the Financial Commissioner may determine to be just.

(2) That share may be recovered by the Collector by deduction of the amount thereof from the land revenue due to the assignee.

**149. PENALTY FOR FAILURE TO ATTEND WITHIN LIMITS OF ESTATE IN OBEDIENCE TO ORDER OF REVENUE OFFICER-** If a person required by a summons, notice order or proclamation proceedings from Revenue Officer to attend at a certain time and place within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land fails to comply with the requisition he shall be liable at the discretion of the Revenue Officer to a fine which may extend to fifty rupees.

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**150. PREVENTION OF ENCROACHMENT ON COMMON LANDS-** (1) Where land which has been reserved for the common purposes of the co-sharers therein has been encroached on by any co-sharer, a Revenue Officer may, on the application of any other co-sharer, eject the encroaching co-sharer from the land, and by order proclaimed in manner mentioned in Section 22, forbid repetition of the encroachment.

The proceedings of Revenue Officer under sub-section (1) shall be subject to.- any decree or order which may be subsequently passed by any Court of competent jurisdiction .

**151. PAPERS KEPT BY VILLAGE OFFICERS TO BE DEEMED PUBLIC DOCUMENTS-** (1) Any record or paper which a village officer is required by law, or by any rule under this Act to prepare or keep shall be deemed to be the property, of the Government.

(2) A village officer shall, with respect to any such record or paper in his custody, be deemed for the purposes of the Indian Evidence Act, 1872, to be a public officer having the custody of a public document which any person has a right to inspect.

**152. COSTS** - (1) A Revenue Officer may give and apportion the costs of any proceedings under this Act in any manner he thinks fit.

(2) But if he orders that the cost of any such proceedings shall not follow the event, he shall record his reason for the order.

**153. COMPUTATION OF PERIODS, LIMITED FOR APPEALS AND APPLICATION FOR REVIEW-** In the computation of the period for an appeal from or an application for the review of, an order under this Act, the limitation therefore shall be governed by the Indian limitation Act. 1908.

**154. RESTRICTION ON REVENUE OFFICERS BINDING AT AUCTION OR TRADING-** (1) A Revenue Officer, or a person employed in a revenue office shall not:-

(a) Purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others any property which any revenue officer or Revenue Court in the district in which he is employed has ordered to be sold; or

(b) in contravention of any rules made by the State Government in this behalf engage in trade in that district.

(2) Nothing in sub-section (1) shall be deemed to preclude any person from becoming a member of company incorporated under the Indian Companies Act, 1882, the Indian Companies Act, 1913, or other law.

**155. POWER TO MAKE RULE:** (1) The Financial Commissioner may in addition to the other rules which may be made by him under this Act. make rules consistent with this Act and any other enactment for the time being in force:-

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(a) fixing the number and amount of the instalments and the times and places and the manner, by at and in which any sum other than rent or land revenue which is payable under this Act or of which a record has been made thereunder is to be paid;

(b) fixing the dates on which profits are to be divisible by headmen or other persons by whom they are realized on behalf of co-sharers;

(c) prescribing the fees to be charged for the service and execution of processes issued by Revenue Officers and Revenue Courts, the mode in which those fees are to be collected the number of persons to be employed in the service and execution of those processes, and the remuneration and duties of those persons;

(d) regulating the procedure in cases where persons are entitled to inspect records of Revenue Officers or records or papers in the custody of village officers, or to obtain copies of the same, and prescribing the fees payable for searches and copies including postage and any prescribed additional charge when a copy is supplied by post;

(e) prescribing forms for such books, entries, statistics and accounts as the Financial Commissioner thinks necessary to be kept, made or compiled in revenue offices, or submitted to any authority;

(f) declaring what shall be the language of any of those offices and determining in what cases persons practising in those offices shall be permitted to address the presiding officer thereof on English and

(g) generally for carrying out the purposes of this Act.

(2) Until rules are made under clauses (a) and (b) of sub-section (1) the sums therein referred to shall be payable by the instalments at the times and places, and in the manner by, at and in which they are now payable

(3) Rules made by the financial Commissioner under this or any other section of this Act, shall not take effect until have been sanctioned by the State Government.

**156. RULES TO BE MADE AFTER PREVIOUS PUBLICATION-** The powers to make any rules under this Act is subject to the condition of the rules being made after previous publication.

**157 POWERS EXERCISABLE BY THE FINANCIAL COMMISSIONER FROM TIME TO TIME-** All powers conferred by this Act on the Financial Commissioner may be exercised from time to time as occasion requires.

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*Exclusion of Jurisdiction of Civil Courts*

**158. EXCLUSION OF JURISDICTION OF CIVIL COURTS IN MATTERS WITHIN THE JURISDICTION OF REVENUE OFFICERS** - Except as otherwise provided by this Act:-

(1) A Civil Court shall not have jurisdiction in any matter which the State Government or a Revenue Officer is empowered by this Act to dispose of or take cognizance of the matter in which the State Government or any Revenue Officer exercises any power vested in it or him by or under this Act and in particular:-

(2) A Civil Court shall not exercise jurisdiction over any of the following matters, namely:

(i) any question as to the limits of any land which has been defined by a Revenue Officer as land to which this Act does or does not apply;

(ii) any claim to compel the performance of any duties imposed by this Act or any other enactment for the time being in force on any Revenue Officers as such;

(iii) any claim to the office of Kanungo, or village officer, or in respect of any injury caused by exclusion from such office, or to compel the performance of the duties or a division of emoluments thereof;

(iv) any notification directing the making or revision or record or right;

(v) the framing of a record-of-rights, or the preparation, signing of attestation of any of the documents included in such a record;

(vi) the correction of any entry in a record-of rights, annual record or register of mutation;

(vii) any notification of the undertaking of the general re-assessment of a district or tehsil having been sanctioned by the State Government;

(viii) the claim of any person to be liable for an assessment of land revenue or of any other revenue assessed under Act;

(ix) the amount of land revenue to be assessed on any estate or to be paid in respect of any holding under this Act;

(x) the amount of, or the liability of any person to pay, and other revenue to be assessed under this Act, or any cess, charge or rate to be assessed on an estate or holding under this Act or any other enactment for the time being in force;

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(xi) any claim relating to the allowance to be received by a landowner who has given notice of his refusal to be liable for an assessment, or any claim connected with, or arising out of, any proceedings taken in consequence of the refusal of any person to be liable for an assessment under this Act;

(xii) the formation of an estate out of waste land;

(xiii) any claim to hold free of revenue any lands, mills, fisheries or natural products of land or water;

(xiv) any claim connected with or arising out of the collection by the Government or the enforcement by the Government, of any process for the recovery of land revenue or any sum recoverable as an arrear of land revenue;

(xv) any claim to set aside, on any ground other than fraud, a sale for the recovery of an arrear of land revenue or any sum recoverable as an arrear of land revenue;

(xvi) the amount of, or the liability of any person to pay any fees, fines costs or other charges imposed under this Act:

(xvii) any claim for partition of an estate, holding or tenancy, of any question connected with, or arising out of proceedings for partitions not being a question as to title in any .of the property of which partition is sought;

(xviii) any question a, to the allotment of land on the partition of an estate, holding or tenancy, or as to the 'distribution of land subject by established custom to periodical redistribution or as to the distribution of land revenue on the partition of an estate or holding or on a periodical redistribution of land, or as to the distribution of rent on the partition of a tenancy;

(xviii-a) any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under sections 101-A, 101-B, 101-C and 101-D respectively to Chapter VIII;

(xix) any claim to set aside or division or appraisal of produce confirmed or verified by a Revenue Officer under this Act;

(xx) any question relating to the preparation of a list of village cesses of the imposition by the State Government of condition on the collection of such cesses;

(xxi) any proceeding under this Act for the commutation of the dues of a superior landowner;

(xxii) any claim arising out of the enforcement of an agreement to render public service in lieu of paying land revenue; or

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(xxiii) any claim arising out of the liability of an assignee of land revenue to pay a share of the cost of collecting or re-assessing such revenue, or arising out of the liability of an assignee to payout of assigned land revenue, or of a person who would be liable for the land revenue if it had not been released, compounded for or redeemed to pay on the land revenue for which he would but for such release, composition for redemption be liable, such a percentage for the remuneration of a village as may be prescribed by rules for the time being in force under this Act.

**SCHEDULE (Repealed by Central Act 1 of 1983)**

**Published in the Punjab Gazette, Legislative Supplement, Part III dated June 7, 1991/Jyaistha 17, 1913**

**NOTIFICATION  
DEPARTMENT OF REVENUE AND REHABILITATION  
The 28th May, 1991**

No. S.O. 27/P.A. 17/1887/S.27/91 -In supersession of Government of Punjab, Department of Revenue, Notification No. G.S.R. 1/PA, 17/1887/S. 27/87 dated the 3rd February, 1987 No. S.O. 73/P.A. 17/1887/S. 27/87, dated the 21st September, 1988, and in exercise of the powers conferred by clause (b) of subsection (1) of section 27 of the Punjab Land Revenue Act, 1887 (Punjab Act No. 17 of 1887), and all other powers enabling him in this behalf, the President of India is pleased to confer on all the Labour-cum-Constabulary Officers in the State of Punjab, the powers conferrable, on an Assistant Collector of the First Grade, under Sections 68, 69 and 70 of the said Act. so far as these are necessary for the recovery of dues recoverable as arrears of land revenue under the following Acts and to direct that such powers shall be exercised by them within the limits of their respective jurisdiction

1. The Industrial Disputes Act. 1947.
2. The Payment of Gratuity Act, 1972
3. The Payment of Bonus Act, 1965
4. The working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.
5. The Equal Remuneration Act, 1976
6. The Punjab Industrial Housing Act. 1965
7. The Punjab Labour Welfare Fund Act. 1965.

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**APPENDIX 1**

**THE PUNJAB LAND REVENUE (SPECIAL CHARGES) ACT, 1958  
(PUNJAB ACT NO.6 OF 1958)**

[Received the assent of the Governor of Punjab on April 12, 1958, and was first published in the Punjab Gazette, Extraordinary, dated April 15, 1958].

An Act to provide for the levy and payment of a special Charge on land revenue. Be it enacted by the Legislature of the State of Punjab in the Ninth Year of the Republic of India as follows:-

**1. SHORT TITLE, EXTENT AND COMMENCEMENT:-** (1) This Act may be called the Punjab Land Revenue (Special Charges) Act, 1958.

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

(3) It shall come into force at once in the Ambala and Jullundur Divisions, but the State Government may, by notification in the Official Gazette, direct that it shall come into force in the Patiala Division or any area thereof on such date or dates as may be into force in the Patiala Division or any area thereof on such date or dates as may be specified in such notification and different dates may be specified for different arrears.

**2. DEFINITIONS:** In this Act, unless there is anything repugnant in the subject or context:

(A) "Land Revenue" shall have the meaning assigned to it in Section 3(6) of the Punjab Land Revenue Act, 1887, and shall include the surcharge leviable under the Punjab Land Revenue (Surcharge) Act, 1954 (No. XXVI of 1954); [but shall not include special assessment made under the Punjab Land Revenue (Special Assessments) Act, 1955, or under clause (f) or clause (g) of sub-section (1) of Section 59 of Punjab Land Revenue Act, 1887].

(B) "landowner" means a landowner who is liable to pay special charge under this Act;

(C) "assessing authority" means the Collector of the district where the land of any person is situate and if it is situated in more than one district such other officer as may be appointed by the State Government in this behalf;

(d) all terms, which are used but not defined, shall have the meaning assigned to them in the Punjab Land Revenue Act, 1887.

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**3. LEVY OF SPECIAL CHARGE:** With effect from the Rabi harvest of the agricultural year 1957-58 or, where the Act comes into force any area by notification issued under sub-section (3) of section (1), with effect from such harvest as the State Government may, by notification, direct, and notwithstanding anything to the contrary contained in the Punjab Land Revenue Act, 1887 (Act No. XVII of 1887) every landowner who pays land revenue in excess of fifty rupees, shall be liable to pay a special charge thereon in accordance with the rates specified in this Schedule.

**4. SUBMISSION OF RETURNS:** (1) A landowner who is liable to pay more than Rs. 50/- as land revenue and whose land is situated within the territorial jurisdictions of more than one Patwar and who has not already given such information, shall, within thirty days from the date on which this Act comes into force in any area, furnish information of the total land revenue payable by him to the Patwarj<sup>1</sup> in whose circle he ordinarily resides or in whose circle he holds largest amount of land and shall also submit a copy to thereof the Tehsildar having jurisdiction

(2) The provisions of sub-section (1) shall apply mutatis to a person who becomes liable to pay the special charge under the Act as a result of an acquisition of land after the commencement of this Act and in his case the period of return shall be thirty days from the date of acquisition.

**5. PENALTY FOR FAILURE TO FURNISH INFORMATION:** If a person fails to furnish the information required by Section 4 or furnished information which is wrong in material particulars, the assessing authority may charge him with a penalty up to six times the amount of special charge recoverable from him under this Act:

Provided that a person to have furnished the required information if he furnished it within ninety days of the commencement of the Punjab Land Revenue (Special Charges) Amendment Act, 1963.

**6. RECOVERY OF SPECIAL CHARGE AND THE PENALTY IF ANY:** The special charge 2[ and the penalty, if any,] under this Act shall be recoverable as land revenue and in the manner prescribed by rules made by the State Government in this behalf.

**7. REVISION:** The prescribed authority of its own motion, or, on application made to it in the prescribed manner; may call for the record of any proceedings, which are pending before or have been disposed of by authority under this Act for the purpose of satisfying itself as to the legality or propriety of

<sup>1</sup>Substituted by the Punjab Land Revenue (Special Charges) Amendment Act, 1963 (Punjab Act No. 15 of 1963). S. 3

<sup>2</sup> Inserted by the Punjab Land Revenue (Special Charges) Amendment Act. 1963 (Pb. Act No. 15 of 1963)

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such proceedings or any order made thereunder and may pass such order in relation thereof as it may think fit.

**8. RULE MAKING POWER:** The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

**SCHEDULE**

- (a) Land revenue exceeding Rs. 50/- but not exceeding Rs. 100/- annually:
- |  |             |
|--|-------------|
| On the first RS.50/-                       | Nil         |
| On the remaining Rs. 50/ or part thereof , | 50 per cent |
- (b) Land revenue exceeding Rs. 100/- but not exceeding Rs. 200/- annually:
- |   |             |
|---|-------------|
| On the first Rs. 50/-                   | Nil         |
| On the next Rs. 50/-                    | 50 per cent |
| On the next Rs. 100/- or part thereof . | 70 per cent |
- (c) Land revenue exceeding Rs. 200/- but not exceeding Rs. 500/- annually:
- |                                       |              |
|---------------------------------------|--------------|
| On the first Rs. 50/-                 | Nil          |
| On the next Rs. 50/-                  | 50 per cent  |
| On the next Rs. 100/-                 | 70 per cent  |
| On the next Rs. 300/- or part thereof | 100 per cent |
- (d) Land revenue exceeding Rs. 500/- but not exceeding Rs. 1,000/annually:
- |                       |              |
|-----------------------|--------------|
| On the first Rs. 50/- | Nil          |
| On the next Rs. 50/-  | 50 per cent  |
| On the next Rs. 100/- | 70 per cent  |
| On the next Rs. 300/- | 100 per cent |
| On the next Rs. 500/- | 150 per cent |
- (e) Land revenue exceeding Rs. 1,000/- annually:
- |                           |              |
|---------------------------|--------------|
| On the first Rs. 50/-     | Nil          |
| On the next Rs. 50/-      | 50 per cent  |
| On the next Rs. 100/-     | 70 per cent  |
| On the next Rs. 300/-     | 100 per cent |
| On the next Rs. 500/-     | 150 per cent |
| On the remaining amount/- | 300 per cent |

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**APPENDIX 2**

**THE PUNJAB LAND REVENUE (SPECIAL CHARGES) ,RULES, 1958 P.G. NO.1011-SM(IV)-58/445, dated the 3<sup>rd</sup> April, 1959:**

In exercise of the powers conferred by Section 8 the Punjab Land Revenue (Special Charges) Act, 1958, the Government of Punjab is pleased to make the following rules, namely-

The Punjab Land Revenue (Special Charges) Rules, 1958,

1. **SHORT TITLE:** The rules may be called the Punjab Land Revenue (Special Charges) Rules, 1958.

2. **DEFINITIONS:** In the rules, unless there is anything repugnant in the subject or context.

(a) "Act" means the Punjab Land Revenue (Special Charges) Act, 1958.

(b) "Form" means a form appended to these rules.

3. **INFORMATION REQUIRED FROM LANDOWNERS:** (1) The information required by Section 4 of the Act shall be given by landowner referred to in that Section in Form 1.

(2) The landowner shall, at the same time. give information on as many additional copies of the form to the Patwari as there are Patwari circles in which his land is situated and shall also submit a Form giving the information to the tehsildar having jurisdiction.

**4. MANNER IN WHICH ENTRIES IN FORM 1 ARE TO BE VERIFIED:**

On receiving Form 1 and the requisite number of copies, the Patwari shall retain one copy thereof and immediately forward the remaining copies to his Tehsildar for obtaining verification of the entries made therein from other Patwari.

**5. PATWARIS RESPONSIBILITY TO FURNISH INFORMATION REGARDING AMOUNT OF LAND REVENUE AND SURCHARGE PAYABLE BY A LANDOWNER IN HIS CIRCLE:** (1) If the landowner ordinarily resides or if he resides outside the State of Punjab the Patwari of the estates other than where he holds largest amount of land shall verify from their record the information given by such landowner in Form 1. Immediately on the receipt of Form 1 by them, other Patwari shall verify entries made therein from their record and furnish the verified Form 1 through their respective Tehsildars to the Patwari of the estate where the landowner ordinarily resides, and if he resides our side the State to the Patwari of the estate where he holds largest amount of land

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showing the amount of fixed and fluctuating land revenue, surcharge, if any '\*\*\*] payable by the landowner in their jurisdiction during Rabi harvest of the agricultural year 1957-58.

2. Where any landowner liable to assessment of special charge does not furnishing shing information in Form I, the Patwari of the estates other than that where the landowner ordinarily resides shall be furnished, through their Tehsildars, verified information as is sub-rule (1) in respect of the landowner in Form 1 to the Patwari of the estate where the landowner ordinarily resides. In case the landowner does not ordinarily resides in the State of Punjab, the verified information shall be furnished by all other Patwaris to the estate where he holds the largest amount of land.

**6. INFORMATION FOR ASSESSMENT OF SPECIAL CHARGE TO BE SUPPLIED BY THE PATWARI AND TEHSILDAR TO THE COLLECTOR:** (1) On the basis of verified Form 1 received from all other patwaris concerned, it will be enclosed in original with the consolidated list and on the basis of his own record in the case of those landowner, who do not own land elsewhere. The patwari of the estate where the land owner ordinarily resides and in case the landowner resides outside the State' of the Punjab the Patwari of the estate, where he holds the largest amount of land as the case may be shall prepare and submit to his Tehsildar a consolidated list in triplicate in Form II of all landowner liable to payment of special charge in his estate. The amount of special charge payable by each landowner shall be calculated according to the Schedule and entered in Form II by the Patwari. The Tehsildar of each tehsil shall submit to the assessing authority the consolidated lists in Form II along with the enclosures received from the Patwaris of his Tehsil.

(2) The Assessing Authority of the district shall make assessment of the special charge and communicate his order in that behalf to the Tehsildar concerned and the Tehsildar in turn shall communicate those orders to each Patwari.

**7. INCASE OF SUBSEQUENT CHARGE IN AMOUNT OF LAND REVENUE ETC. INFORMATION TO BE SIMILARLY SUPPLIED TO THE ASSESSING AUTHORITY:** (1) In case any landowner on whom the special charge has been originally assessed in Rabi harvest of the agricultural year 1957 -58, subsequently becomes liable to the payment of special charge or in case any change occurs in the amount of land revenue including 2(XX) payable by landowner already liable to the payment of the special charge subsequent to the

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<sup>1</sup>The words And Specially assessed Land Revenue on Land put to non-agricultural one omitted with effect from the 3rd April, 1959 by PG Notn. No. 2029-Sp. (1/-)63/1494, dated the 12th June, 1963.

<sup>2</sup> The words' And Specially assessed Land Revenue on Land put to non-agricultural one' omitted with effect from the 3rd April, 1959 by PG Notn. No. 2029-Sp. (1/-)63/1494, dated the 12th June, 1963

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submission of Forms I and II, as laid down in rules 5 and 6 in first instance the landowner shall furnish the information or the revised information, as the case may be in Form 1 to the Patwari and Tehsildar having jurisdiction in the manner laid down in the preceding rules within the period specified in Section 4 of the Act or within thirty days of the date on which he becomes liable to pay the revised special charge, as the case may be. The information shall pertain to Kharif and Rabi harvest of the agricultural year during which the change has become effective. The Patwari shall immediately on receipt of revised Form 1 forward these through his Tehsildar to the other Patwari for verification. The other Patwaris shall verify the entries made therein from their record and forward the verified Form 1 through the Tehsildars to the Patwari from whom those were received for verification.

(2) Where any landowner does not furnish the required information in Form 1 under sub rule (1), the Patwari of the estates other than that where the landowner ordinarily resides, and in the case he resides out of the State of Punjab the Patwari of the estate other than that where he holds largest amount of land, shall furnish through their Tehsildars sufficiently before the date fixed for the recovery of the land revenue demand for Rabi every year verified information in respect of him in Form 1 to the Patwari of the estate where the landowner ordinarily resides. In case the landowner does not ordinarily reside in the State, the verified information shall be furnished to the patwari where he holds the largest amount of land.

(3) The Patwari Kanungo and the Tehsil Revenue Officer of each circle shall be personally responsible for ensuring that the verified information in Form 1 in respect of each landowner, who does not ordinarily reside in the estate in their circles and who holds the largest amount of the land in an estates outside their circles, is furnished in proper time through their Tehsildars to the Patwari of the estate where he does holds the larges amount of land.

(4) After the first assessment of special charge, the Patwari of the estate where the landowner ordinarily resides, or in the case of a non-resident landowner of the State of Punjab where he holds the Inrgest amount of land, as the case may be, forward Form II to this Tehsildar ,sufficiently before the date fixed for the recovery of land revenue demand for Rabi every year and the Tehsildar shall also submit consolidated Form II of the whole of the tehsil to the Collector before the date fixed for the recovery of the land revenue demand for Rabi every year. The assessing authority of the district shall make assessment of the special charge and communicate his orders in that behalf to the Tehsildar concerned and the Tehsildar in turn shall communicate these orders to each Patwari sufficiently in advance of the date fixed for the recovery of the land revenue demand for Rabi year so as to include the amount of special charge in the fard bach for that harvest to be handed over to the lambardar.

**8. AMOUNT OF SPECIAL CHARGE ONCE ASSESSED TO CONTINUE TILL REVISED ASSESSMENT IS MADE:** (1) The amount of special

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charge payable by a landowner shall be assessed by the assessing authority to the scale given in the schedule on the basis of the information received under rules 3, 4, 5, 6 and 7 in the first instance on the total amount of land revenue both fixed and fluctuating including surcharge 1(XXX) payable by him in the Rabi harvest of the agricultural year 1957-58.

(2) The full amount of annual special charge once assessed shall continue to be recovered till the previous assessment is revised or fresh assessment is made on the basis of the information received under rule 7.

**9. AMOUNT OF SPECIAL CHARGE TO BE INCLUDED IN GOVERNMENT DEMAND OF LAND REVENUE WITH EFFECT FROM THE HARVEST FROM WHICH IT HAS BEEN LEVIED:**

The original form II on which the assessing authority has passed orders with regard to assessment of special charge in the estate with the land revenue of which it will be recoverable, shall be retained in his office for record. Copy of this order shall be endorsed on relevant Form II which will be returned to the Tehsildar concerned. The Tehsildars in turn retain one copy of Form II along with its enclosures in their office for record and return the duplicate copy of Form II to the Patwaris concerned for further necessary action and record. The Patwari of the estate, where the special charge is made recoverable by the assessing authority, shall include the amount thereof in Government demand of the estate with effect from the harvest from which the special charge has been levied. Immediately a receipt of the orders of the assessing authority, the Patwari shall publish the same by handing over a copy of the consolidated Form II to the lambardar concerned. Where there is no lambardar, publicity of the assessing authority's order will be made by hanging a copy outside the office of the patwari.

**10. PAYMENT TO BE MADE IN ANNUAL OR HALF YEARLY INSTALMENTS:** Payment of the demand of special charge assessed under rules 6 and 8 shall be made in a single annual or two half-yearly instalments, as may have already been fixed for land revenue in the estate where the special charge, has been made payable.

**11. COLLECTION FEE:** For collection charges relating to the special charge, in the shape of pachotra, the rules and the measures under the Land Revenue Act, 1887, shall apply mutatis mutandis.

<sup>2</sup>Revision- The Commissioner of the Division in whose jurisdiction the landowner has been made liable to pay the special charge, shall be prescribed authority for purposes of Section 7 of the Act. Reasons on account of which the assessed amount of special charge requires revision shall be clearly stated in the

<sup>1</sup>The words as well as specially assessed Land Revenue on Land put to non-agricultural use have been omitted with effect from the 3rd April, 1959 by PG Notn. No. 2029-Sp. (II)-63/1494 dated the 12th June, 1963.

<sup>2</sup> As amended by PG No. 4513-SM (IV)-60/2767, dated 18/25th November, 1960.

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application, which shall be accompanied by as many Forms 1 as there are patwari circles in which the applicant's land situated.

(2) An application for revision shall be made, within sixty days from the date on which a copy of the assessing authority's order is published under rule 9.  
Forms not shown.

APPENDIX 3

**THE PUNJAB LAND REVENUE (SPECIAL ASSESSMENTS) Act, 1955 (Punjab Act No.6 of 1956)**

[Received. the assent of the Governor of Punjab on the 24<sup>th</sup> April, 1956 and was published in the Punjab Gazette, Extraordinary, dated the 27<sup>th</sup> April, 1956].

Be it enacted by the Legislature of the State of Punjab in the Seventh year of the public of India as follows:

**1. SHORT TITLE, EXTENT AND COMMENCEMENT :** (1) This act may be called the Punjab Land Revenue (Special Assessment) Act, 1955 ..

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

(3) It shall come into force at once.

**2. DEFINITION:** In this Act, unless there is something repugnant in the subject or extent-

(1) "Land" means land which for reasons specified in clause (f) of subsection (1) of Section 59 of the Land Revenue Act, 1887 as amended by Punjab Act XIII of 1952, requires revision in the assessment of its land revenue.

(2) "Factory" means a factory as defined in section (m) of the Factories Act, 1948,

(3) Any expression used and not defined in this Act shall have the same meaning as is assigned to it in the Punjab Land Revenue Act, 1887.

**3. LEVY OF SPECIAL ASSESSMENT:** (1) With effect from the Kharif harvest, 1955, and notwithstanding anything to the contrary contained in the Punjab Land Revenue Act (Act XVII of 1887) land under this Act shall be assessed to land revenue by Assistant Collector, First Grade, having jurisdiction, at the rates specified in the Schedule appended hereto:

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Provided that the special assessment so levied shall not have the effect of adding to the value of any assignment of land revenue.

(2) Any person effected by an assessment made under sub-section (1) may within 30 days from the date of demand of the assessment, present a petition for reconsideration of the assessment so far as it affects him to the Assistant Collector who shall pass an order setting forth his reason for granting or refusing it.

(3) An appeal from an order of the Assistant Collector shall lie within thirty days to the Collector whose decision shall be final.

(4) Duration of special assessment the assessment at the rates fixed in the Schedule shall remain in force till such time a special assessment is made by the Revenue Officer in accordance with the provisions of the Punjab Land Revenue Act, 1887 and the Rules made thereunder.

(5) Collections of special assessment: Land Revenue assessed under the Act shall be recoverable as land revenue under the Punjab Land Revenue Act, 1887

Description	<b>SCHEDULE</b>	
	Rate of Land Revenue	
1. Land when put to use for a cinema Or theatre building	20 time the existing land revenue rate	
2. Land when put to use as a houses When situated in the Limits of :- (i) the Munciple Committees, Ist and 2 <sup>nd</sup> class, and Cantonment	4 times the existing land revenue rate	
(ii) 1 Muncpal Committees, III class	3 times the existing land revenue rate	
(iii) Notified area Committees	Double the existing land revenue rate	
(iv) District Boards [ Note: inserted by Punjab Act 17 of 1963 by which two notes Where also added and certain acts were validated by Section 3 there of as under :- or Zila Parishads.]	Double the existing land revenue rate	
3. Land when put to use for other non agricultural purposes, such as a factory not specified above, when situated in the limits of :- (i) The Muncpal Committees, Ist		

<sup>1</sup>Note: Inserted by Punjab Act 17 of 1963 by which two notes were also added and certain Acts were validated by Section 3 there of as under:-

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and 2 <sup>nd</sup> class and Cantonment.	15 times the existing land revenue rate.
(ii) Municipal Committees, III Class	12 times the existing land revenue rate.
(iii) Notified Area Committees	10 times the existing land revenue rate.
(iv) District Boards [Note: Inserted by Punjab Act 17 of 1963 by which two notes were also added and certain acts were validated by Section 3 thereof as under: or Zila Parishads]	10 times the existing land revenue rate.

Note I - When only one revenue rate was fixed at settlement for nehri land, that rate shall be taken as the rate of land revenue, while in other cases, including revenue free lands, the highest barani land revenue rates shall be taken as the land revenue rate for purpose of special assessment under this Act.

Note 11- In relation to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union., the lands situated in the limits of District Boards, shall mean the lands situated outside the limits of the municipalities and notified area committees."

6. **VALIDATION:** Notwithstanding anything contained in the Punjab Land Revenue (Special Assessment) Act, 1955, or any other law for the time being in force or in any judgment, decree or order of any Court or other authority, 'where; at any time after the 15<sup>th</sup> day of May, 1958, and before the commencement of the Punjab Land Revenue (Special Assessments) Amendments and Validation Act, 1963, any special assessment, has been made in respect of the lands, situated outside the limits of municipalities and notified area Committees in the territories which, immediately before the 1<sup>st</sup> November, 1956, were comprised in the State of Patiala and East Punjab States Union, such special assessment shall be and shall be deemed always to have been valid and shall not be questioned on the ground that such land were not the lands situated in the limits of District Boards or that no district boards were established in the said territories."

**APPENDIX 4**  
**THE PUNJAB LAND REVENUE SPECIAL ASSESSMENT (EXEMPTION)**  
**ACT, 1962**

(Punjab Act No.7 of 1962)

[Received the assent of the Governor of Punjab on May 28, 1962 and was published in the Punjab Gazette (Extra), Legislative Supplement, Part I dated June 2, 1962].

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An Act to certain exemptions from special assessment of land revenue.

Be it enacted by the legislature of the State of Punjab in the Thirteenth year of the Republic of India as follows:-

**1. SHORT TITLE:** This Act may be called the Punjab Special Assessment (Exemption) Act, 1962.

**2. DEFINITIONS:** In this Act, unless the context otherwise requires-

(a) "factory" means factory as defined in clause (m) of Section 2 of the Punjab Factories Act, 1948;

(b) "land" means land which for reasons specified in clause (f) and (g) of sub-section (1) of section 59 of the Punjab Land Revenue Act, 1887 requires revision in the assessment of its land revenue;

(c) "special assessment" means the special assessment made under the Punjab Land Revenue Special Assessment Act, 1955 or clauses (f) and (g) of sub-section (1) of Section 59 of the Punjab Land Revenue Act, 1887.

**3. EXEMPTION FROM SPECIAL ASSESSMENT:** (1) As from the commencement of the Punjab Land Revenue (Special Assessment) Act, 1953, no land shall be liable to special assessment-

(a) where such land is situated in any hill area or sub mountainous area specified in this behalf by the State Government by notifications; or

(b) Where on such land a factory is established, whether before or after such commencement.

Provided that the exemption in clause (b) shall apply for a period of ten years to be computed from the date on which the factory starts working.

(2) The State Government in it is of opinion that it is in public interest so to do, may by notification, exempt any class or classes of sites or any areas to be specified in the notification from liability to special assessment.

**APPENDIX V  
THE LAND REVENUE (HARYANA AMENDMENT) RULES, 1996**

1 These rules may be called the Land Revenue (Haryana Amendment) rules 1996

Vide Notification No. GSR68PA.17/1887/S 155 & I 56/Amd./96 dated 3.9.96.

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2. In the Land Revenue Rules (hereinafter called the said rules) in rule 63-

(i) against entry (1) for the words "four rupees". The words "ten rupees" shall be substituted;

(ii) against entry (2) for the words "fourteen rupees", the words "fifty rupees" shall be substituted; and

(iii) against entry (3) for the words "twenty rupees", the words "fifty rupees" shall be substituted.

3. In the said rules, the rule 71, the following rule shall be substituted, namely-

"71. Inspection of records of Patwari and copies or extracts to be taken therefrom in his presence-

The Patwari shall give to applicants certified extracts and enter in his diary a note of the inspection allowed and extracts given. The following charges shall be made

Copies of extracts from

- |   |  |
|---|--|
| (1) Jamabandi including extracts called for by courts or officers in connection with the preparation abstracts of yields. | Ten rupees per Khatauni holding up to five holdings and above that number five rupees for every additional holding   |
| (2) Inspection notes attached to Jamabandi  |  |
| (3) Fard Badar  |  |
| (4) Copy of pending mutation  | Twenty five rupees per page.   |
| (5) Interrogatories in pending mutation   |  |
| (6) Counterfoil of mutation sheets  |  |
| (7) Missal Haqiat   | Ten rupees per Khatauni holdings up to five holdings and above that number five rupees for every additional holdings |
| (8) Fard Haqiat consisting names of proprietors (occupancy tenants, total number of fields area,land                      | A fixed charge of Rs. 2 per proprietor subject to the minimum of Rs. 10 and max. of Rs 200.                          |

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- |      |  |  |
|------|--|--|
| (9)  | List of Co-shares of proprietary or occupancy holding  | Twenty five rupees for each application  |
| (10) | Genealogical trees of land holdings occupancy tenants or Muqarriadars.   | Two rupees per word subject to a minimum of Rs. 10 and maximum of Rs. 50   |
| (11) | Statement of wells and other sources of irrigation.  | Ten rupees per well (chah)   |
| (12) | List of pensions and assignments.  | Ten rupees per page per application.   |
| (13) | Wajibularz   | Ten rupees for each application  |
| (a)  | Naqsha Haquq Jandratwala Panchaki  | provided that each application shall be limited to not more than two harvests.   |
| (b)  | Fard Bach or Dhall Bachh Assarmiwar, and   | No fees being charged, if copies are required for recovery of arrears of land revenue  |
| (c)  | Demand statement(Canal)  | Twenty five rupees for each application  |
| (14) | Tariga Bachh   | Ten rupees per page  |
| (15) | Orders of Settlement Officers  | Twenty five rupees   |
| (16) | Kharsa Girdawari including extracts from Khasra Girdawari called for the courts or Officers in connection with the preparation of five yearly abstracts or yields. | Two rupees for entries in a single volume relating to one field and one rupees for each entry thereafter subject to a minimum or Rs. 5 and thereafter in multiple of Rs. 5 |
| (17) | Diaries  | Ten rupees   |
| (18) | Field Books  | Ten rupees for first ten fields or less and five rupees for every additional fields or part thereof.   |
| (19) | Statement of Grazing dues  | Ten rupees for each application  |
| (20) | Extracts from Chaukidars   | No fee being charges if copies are   |

<p>assesment list</p> <p>(21) Statement contained in village note books.</p> <p>(22) Abstract of quinquennial average of mutations.</p> <p>(23) Fard Taqsim (list of allottees of colony land)</p> <p>(24) Parcha's books.</p> <p><b>B</b> Inspections</p> <p>(25) Inspection of papers relating to one quadrannium including relevant entries of the mutation registers.</p> <p><b>C</b> Preparation or Plants and Tracings</p> <p>(26) Tracing of field map</p> <p>(27) Tracing of Tatima Shajrra</p> <p>(28) Preparation of Plans called for by courts, or officers in connection with civil and revenue suits.</p>	<p>required for lambardars for recovery of arrears of grazing, dues and Chaukidars tax.</p> <p>Ten rupees per statement irrespective of years.</p> <p>Twenty five rupees per statement.</p> <p>Fifty rupees per rectangle.</p> <p>Cost price of the book plus five rupees per Khatauni holdings.</p> <p>Fixed charge of twenty rupees for each inspections.</p> <p>Two rupees per field, upto 25 fields, subject to minimum of Rs. 5 and Re.1 per field thereafter in multiple of Rs. 5</p> <p>Two rupees per fields up to 25 fields subject to minimum of Rs .5 and Re. 1 per field thereafter in multiple of Rs.5</p>
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For the purpose of fee for copies of extracts from , Jamabandis in rent cases, the total number of Khatauni holding should be taken into account irrespective of the fact what they are cultivated by the owner himself or by the tenant or sub –tenant and in calculating the fee the number of Khewat of which the extract are given may be ignored.

Notes:

(1) For extract under serial number 1 or serial number 16 and plans under serial number 28 prepared in connection with the temporary alienation of land in charges shall be subject to a minimum of hundred rupees in a single case

## The Punjab Land Revenue Act, 1887

Irrespective of fact whether the extracts are prepared from Jamabandi or Khasra Girdawari or both and whether or not they involved the preparation of plan.

(2) The full fee thus realised should be credited into the Government Treasury quarterly under the head "029-Land Revenue Miscellaneous copying and inspection fees of Patwaries record".

(3) Patwaries are forbidden to prepare and supply copies of extracts of paper not shown in the above table.

(4) List of Co-sharers shall not be prepared and supplied without the previous sanction of the Collectors unless required in connection with a Revenue, Civil or Criminal Cases.

(5) In the case of Inspection of the Patwaries record by the SubInspectors of Coop. Societies under serial number 25, . the fee charged shall be ten rupees only and the whole amount shall be deposited into the Government Treasury.

(6) In the case of Parcha Books, the whole fee so recovered shall be credited into the Government Treasury.

**CASE LAW DIGEST ON  
PUNJAB LAND REVENUE ACT, 1887**

As per succession certificate and also the will of the deceased, plaintiff and defendants 7, 8 and 9 are entitled to the properties left by the widow in equal shares. Third party claims to be the daughter of the deceased not the •• of defendant 7 or mother of defendant 8 & 9. She stakes her claim on the basis of mutation certificate and will and rights flowing therefrom cannot be granted. Defendants 1 to 4 have made no attempt to annul the succession certificate. Lower appellate court and also the High Court committed serious error of law in not considering the will and the succession certificate which clinches the matter. Succession Act, 1925: **Swami v. Smt. Inder Kaur and Ors. : 1997(3) All India Land Laws Reporter (Supreme Court) 200**

Section 5-State Government has powers, by a notification, to vary the limits and alter the Tehsils, Districts and Divisions into which the State is divided. Under this power, a new district of Mansa was decided to be created out of the existing district of Bhatinda. During the process, tehsil headquarters were shifted from Sardulgarh to Jhunjhunnir. In equal haste, on representation by various persons and institutions, this tehsil headquarters was shifted back to Sardulgarh. In this petition, the state has been accused of non application of mind, and of acting in a whimsical manner. This was contested by the State. Held-No malafides have been imputed. Ground is that abolishing of the newly created subdivision cum tehsil out of Jhunjhunnir in a hot haste merely spells not that the decision was taken in a whimsical manner etc. Allegations are rebutted on the basis of the document placed on record. Circumstances clearly justify the shifting of sub-division from Jhunjhunnir to Sardulgarh; **Darbara Singh and Ors. v. The state of Punjab 1 Ind Anr. : 1996(3) All India Land Laws Reporter (Pb & Hry) 431**

S.7-Transfer of case from one FC. to another- Application is neither maintainable before the F.C. Revenue or any other FC. since all F.C.S. have same powers-It must be made to the F.C. in whose court the case is pending OR High Court is the appropriate forum to seek that relief; **Hans Raj v. Raj Pal: 1997(3) All India Land Laws Reporter (F.C. Punjab) 94**

Ss.11 & 113-Partition-Commissioner Recommended the acceptance of the revision petition as the service of the petitioners was incomplete before AC 1st and the petitioners have condemned unheard. Held-AC 1st had followed the prescribed procedure to secure their presence by notice as well as by MUSHTRI MUNADI-- Petitioner had shown total disinterest-AC 1st had to proceed ex parte--Other of the AC 1st cannot be said to be suffering from any illegality or irregularity; **Kashmir Singh v. Amar Singh: 1997(1) All India Land Laws Reporter (F.C.PB.) 531**

Section 13-Appeal is against the findings of the Commissioner when by appointment of appellant was reverted in preference to the respondent. Collector had appointed the appellant contrary to the recommendations of Tehsildar/S.D.O.(C)-Held-Collector had given well reasoned justification for appointment of appellant- Not reason for the Commissioner to interfere with the selection process-Otherwise also order of the Collector in such matters should not be interfered with-Appeal allowed; **Mangtuli v. Ram Kishan:( 1)All India Land Laws Reporter F.C. (Haryana) 176**

Section 13-Collector approved petitioner herein for appointment as a lambardar in preference to the respondent who is a landlord, industrialist and would not be able to discharge functions of a Lambardar in view of his status -Collector has acted with conventional wisdom-Commissioner instead of reversing the orders should have at the most remanded the case for reconsideration- Appeal accepted-Order of the Collector appointing the appellant as Lambardar is upheld-Punjab Land Revenue Rules 1909 Rule 15; **Vinod Kumar Tawatia v. Jitender Pal & Ors.: 1995(4) All India Land Laws Reporter (F.C. Haryana) 12**

## CASE LAW DIGEST ON PUNJAB LAND REVENUE ACT, 1887

Section 13-Appeal against-Motivation Certificate allegedly issued by the General Hospital-Bogus-So are the certificates produced-Held-Collector has thoroughly probed the matter and given his findings, based on evidence and merits-Collectors findings should not have been touched unless perverse-Collectors selection is upheld; **Nar Singh v. Mange Ram: 1995(4) All India land Laws Reporter (F.C. Haryana) 181**

Section 13-Normally Lambardar appointed by Collector should not be interfered with but the appeal by the rejected candidate, if he is better in terms of merit. should not be dismissed by Commissioner mechanically-Commissioner must see if the choice is rational and balanced-And in deserving cases commissioner has to upset the appointment-No reason for interfering with the selection made by the Commissioner; **Bhagwan Singh v. Surjit Singh: 1995(1) All India land Laws Reporter (F.C.) (Pb.) 360**

S.13-Rule 1909-Rule 15-Appointment of Lambardar-Collector rejected the candidature of respondent because he was an absentee. a defaulter and illiterate-In appeal Commissioner instead of giving his findings on appeal. gave a finding that petitioner was indulging in party factionalism, which again is not based on evidence also he gave the respondent a benefit that he worked in that capacity after the death of the lambardar and thus acquired experience-Commissioner has been swayed by the fact that about 20 candidates have withdrawn in favour of respondent-HELD-Collector has ignored to look into the points of unauthorised possession of school land by respondent-Also petitioner has been punished by forest department-Case needs a fresh look-Revision accepted-Remanded to District Collector for making a fresh choice; **Gumam Singh v. Balbir Singh: 1995(2) All India land laws Reporter Vol. 42 (F.C. Punjab) 149**

Sections 13 and 16-Appointment of Lambardar- Commissioner upset the orders of the Collector regarding appointment of lambardar- Aggrieved person rsJn appealHeld- Collector gave a reasoned justification for the appointment of the appellant-Why commissiener thought it proper to interfere with that order is not known-Well established principle that Collector's choice should not be interfered with Commissioners orders set aside- Appeal allowed;**Mangtu v.Ram Kishan : 1996(3) All India Lane! laws Reporter (F.C. HRY) 73**

Sections 13 & 16-No appeal is competent against orders of the Commissioner (appeals)-On this sole ground this appeal deserves to be rejected-To eater justice, it was decided to treat the appeal as revision and then to decide it on merits; **Chanchal SiAgh v. Smt.Pal Kaur: 1997(2) All'r.dia land ICiWS Reporter (F.C.PB) 496**

Sections 13 and 16 and 116 to 118-Partition-Application for - Mode of partition sanctioned in present of parties-No objection raised-After the partition was carried out in accordance with the sanctioned mode, petitioners could not object to the same--In revision, F.C. has a limiteo sccope to interferer unless order of Lower Revenue Authorities suffer from any material illegality or irregularity-No grounds have been offered for the revisional jurisdiction of the **F.C. Petition dismissed; Gurmukh Smgh & Anr. v. Sardul Singh & Ors.: 1995(4) All India umd laws Reporter (F.C. Punjab) 35**

Ss. 13 & 111 tll 121-Mode of Partition sanctioned by Assistant Collector-Not challenged by any party-Became final-Partition had to be decided according to mode of partition-Remedy of appeal against fnal partition is available to a party, who has failed to file objections to mode of partition-As for the powers of the F.C. in revisional jurisdiction, suffice it to say that powers are wide enough to call for to examine and revise the proceedings of Revenue Officers; **Girwar v. Financial Commissioner, Haryana : 1997(2) All India Land Laws Reporter (P & H) 568**

Section 16-Plenary powers conferred on the F.C.-While exercising such powers F.C. is competent to go into the question offact and form his opinion on facts-Contention of the counsel that F.C. was not justifiad in interfering with the orders of Collector in revisional jurisdiction, is devoid of any merit; **Girwar v. Financial Commissioner, Haryana : 1997(2)**

**All India Land Laws Reporter (P & H) 568**

Section 16-Punjab Land Revenue Rules 1909-Rs. 19B- Appeal against the appointment of Respondent by the Collector and upheld by the Commissioner-Both candidates were defaulters, petitioner in payment of chulha to and the respondent in respect of loan from Land Mortgage Bank- Respondent was preferred-FC hesitates to interfere in appointments made by the Collector. especially when endorsed by the Commission-Held- Seriously embarrassed by debt is the term to qualify rejection Whereas the respondent incurs that disqualification being defaulter in payment of instalment to land mortgage Bank, the petitioner is free from such blemish-Petition all used setting aside the selection made by the Collector as well as the Commissioner: **Chander Singh v. Inderaj : 1996(3) All India Land Laws Reporter (Pb & Hry.) 437**

Section 16-On an appeal, while upsetting the order of the Commissioner. no cogent reasons have been given by the F.C.-High Court is left with no option but to remand the case to Financial Commissioner for taking a fresh decision and pass a reasoned and speaking order-Constitution of India. Article 226;**Hargian v. Financial Commissioner, Haryana: 1996(4) All India Land Laws Reporter (P&H) 10**

Ss.16- This section confers plenary powers on the F.C.-And while exercising such powers, the FC is competent to go into question of fact-And form his own opinion; **Girwar v. Financial Comm., Haryana & Ors. : 1997(1) All India Land Laws Reporter (P&H) 119**

Section 16-In case parties fail to turn up, the Financial Commissioner is expected to decide a case on merits since the parties were heard by the Commissioner before a reference was made-F.C. cannot dismiss the case in default in the absence of the petitioner; **Municipal Committee, Patiala v. Sh: Jasmer Singh Jaijee : 1997(1) All India Land Laws Reporter (F.C, PB.) 230**

S.16-Mutations of land in dispute-Land acquired by State for gardens from the predecessor in interest of the respondents -Vested in State free from all encumbrances- how the name of the Respondents appeared in jamabandi as tenant is not known-This mutation was corrected by the revenue authorities and appeal rejected by collector who observed "Impugned order has been rightly passed"-F.C. had unfettered powers to interfere in any illegality or irregularity committed by revenue Officer: **Municipal Committee, Patiala v. Sh. Jasmer Singh Jaijee : 1997(1) All India Land Laws Reporter (F.C.PB) 230**

S.16-Civil Procedure Code, 1908--o.22.R.3-Mutation-Change of-Commissioner reject the application to implead Lrs of the deceased for adjudication-O.22. R.3 provides if a sole plaintiff dies and the right to sue survives the court shall cause the Lrs of the deceased to be a party-held-order of the Commissioner 'ashed-Case remanded to Commissioner for fresh decision with directions that legal heirs, be given proper opportunity: **Bagga Singh (Died) thru LRs. v. Niranjana Kaur : 1997(1) All India Land Laws Reporter(F.C.PB) 365**

S.16-Mode of partition sanctioned-Not. objected to by the parties-Petitioner has filed the revision---Contested by respondents as the partition had been carried out as per sanctioned mode of partition and has been upheld by lower courts F.C. has limited scope to interfere unless the orders of the Courts below suffer from material illegality or irregularity-Petitioners have in fact offered no arguments in favour of their petition--No fault can be found with the orders of the Courts below-Revision dismissed; **Gurmukh Singh & Anr. v. Sardul Singh & Ors.: 1995(2) All India Land Laws Reporter Vol. 42 (F.C. Revenue Punjab) 175**

S.16-Punjab Land Revenue Rules, 1909-S.14, 15 and 19-Appeal is by the candidate appointed by Collector but superseded by orders of the Commissioner-HELD-Appellant was found to be the most suitable candidate by the Collector-Commissioner erred in ignoring the facts with regard to the appointment of Lambardar- Appeal allowed:

**Tak Ram v. Hargian and Rajpal: 1995(2) All India Land Laws Reporter Vol. 42 (F.C. Haryana) 133.**

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Section 16-Whereas appointment of Lambardar is the prerogative of the District Collector, in the process he is to apply his mind and not be swayed by observations made while remanding the case by the higher authority-Revision petition is accepted-Case" remanded back to Collector to make a fresh choice after assessing and analysing the merits of two candidates; **Mal Singh v. Gajjan Singh: 1995(2) All India Land Laws Reporter Vol. 42 (F.C. Revenue Punjab) 195**

Section 16-Lambardar-Appeal by the candidate appointed by Collector but rejected by Commissioner-Held-Commissioner wrongly set aside the orders passed by Collector-Orders set aside and those of the Collector restored; **Tek Ram v. Hargian & Anr.: 1995(2) All India Land Laws Reporter Vol. 42 (F.C. Haryana) 408**

Ss.16, 111, 116 & 117-Cornmissioner has recommended revision of the order of A.C. 1st grade on the ground that there existed trees, more than 2 years old, in Khasra numbers, which has not been assessed- Tubewell located in petitioner land has been allowed to respondents-Groundls are flimsy and without much substance-Petitioners cannot be allowed to advance alone ,geather new grounds In appeal; which were never raised before the collector-Controversy raised is not of much significance and consequence-Finding no merit in the present reference, revisions petition is rejected; **Angrez Singh'@ Gurmaj Singh v. Jeet Singh: 1997(1) All India Land Laws Reporter (F.C., Pb.) 317**

Ss. 16, 116, 118 and 121-Appeal was filed against the mode of partition, during pendency of appeal, final order of partition was issued in accordance with mode of partition No appeal was filed against final order of partition-Revision against mode of partition becomes infructuous; **Satish Chand v. Lekh Ram : 1997(4) All India Land Laws Reporter; (F.C., Haryana) 243**

S. 33 to 36-Land of a cosharer alienated within his share, Revenue Officer rightly sanctioned mutation-Issue of conclusive possession must be established; **Darbara Singh v. Jagtar Singh: 1997(4) All India Land Laws Reporter (F.C., Punjab) 180**

S.34-Mutation-Cancellation of-When title is in dispute and the suit for title pending in civil court-In revision, commissioner has recommended' the setting aside of findings by lower appellate authorities and has recommended that the mutation may be decided on the. basis of registered sale deed-Should the mutation proceedings await the result of civil court decision about disputed title-Held-Registered sale deed which also carried a recital to the effect that possession has been made over, confers a title-Mutation proceedings may end therewith; **Vikran Singh & Ors. v. Dan Singh & Ors.: 1996(2) All India Land laws Reporter (F.C.,HRY.) 545**

Section 34-Appellant referred to revenue records to show that he was a tenant in possession of the suit land-Document does not describe the appellant as a tenant in payment of fixed rent or batai-Status of tenant is not conferred by the word "Gair Marusi"Appellant produced in evidence mutation in respect of change in his name in 1967-But Mutations do not confer a valid title-Appeal dismissed--"Punjab Tenancy Act, 1887-S, 4(5); **Amar Singh v. Waryam Singh: 1995(1) All India land laws Reporter (P&H) 170**

S. 34-September, 1967 mutations show change of ownership from Roshan Lal to the appellant-But mutations and changes therein do not create any title admissible in evidence; **Amar Singh v. Waryam Singh: 1995(2) All/ndia land Laws Reporter Vol. 42 (P&H) 109**

Sections 34 and 37-Can a mutation be entered on the basis of a registered Will when it is not the function of the Revenue Officers to establish genuineness of the Will Veracity of the Will already under Challenge in Civil Court, on the basis of the suspicious circumstances-Held-Question of genuineness of the Win can only be settled by a Civil Court but a revenue officer has no option but to rely on such a document-Orders of the

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Asstt. Collector 1 grade and Collector to enter the mutation on the basis of the will are upheld; Krishnawati (Smt.) v. Bhoop Singh: 1995(4) All India Land Laws Reporter (F.C.Haryana)56

Sections 34 to 37-Registered will-Revenue Officer is supposed to take note of the Will and change inheritance in mutation- Revenue Officer is not to go into the genuineness of the Will-Is for the Civil Court to look to that aspect; Smt. Krishna Wati v. Ms. Bhoop Singh &Anr.: 1996(1) All India Land Laws Reporter (F.C. Haryana) 453

Ss. 34 to 37-It is not the function of the Revenue Officer in mutation proceedings to \_ decide genuineness of the will-It is in the jurisdiction of the Civil Court-Revenue Officer,has to take the Registered will as it is and then record change in mutation- Reference made by the commissioner is declined; Ktishnawati v. Bhoop Singh: 1996(3) All India Land Laws Reporter (F.C.Haryana) 542 –

Ss. 34to37-Change of mutation- Two Wills produced by mother and widow-Both shrouded in suspicious circumstances- Claim to property would not be possible as Wills are not trustworthy-2Held-Inheritance to be bequeathed according to law of succession as ordered by Asstt. Collector 1st Grade; Smt. Kamlesh and Anr. v. Smt. Shanti : 1997(3) All India Land Laws Reporter (F.C. Haryana) 285

Ss. 34 to 37-Recital in registered sale deed about possession should be enough for entry in mutation and registered sale deed is always to be preferred over a mere sale agreement- Title suit pending in Civil Court-Outcome need not be awaited- Revenue officers have nothing to do with technicalities of law which are to be gone into by Civil Court- Recommendations of the Commissioner accepted-Change in mutation ordered; Vikram Singh and others v. Dan Singh and others: 1997(3) All India Land Laws Reporter (F.C. Haryana) 351

Ss.34 to 37-Locus standi of the respondent to challenge mutation change has been questioned-This change was affected on the basis of the registered sale deed-Respondent, a tenant in physical possession has full right to challenge the sanction to change mutation-What is that the possession has not been delivered to the vendees- Punjab Land Records Manual para 7.17 clearly says such change can be sectioned if delivery of possession is transferred-This has not been done since the vendor himself was not in possession-No infirmity or illegality in the impugned order-Punjab Land Records Manual para 17.7; Gurbej Singh & Ors. v. Jaspal Singh: 1997(1) All India Land Laws Reporter (F.C.PB) 282

Sections 34 to 37-Mutation-Statement of parties not recorded on oath-No Portunity to other party to cross-examine and rebut evidence-Defendant claimed to be daughter of the deceased, got the mutation changed in her name as well as that of the plaintiff-On her effort to alienate, plaintiff got her disentitled through a civil suit and having lost the suit in appeal defendant is in High Court— Mutation authorities were examined and the claim of being a daughter of the deceased was considered-Held-Recitals in mutation that plaintiff accepted defendant as her sister cannot be treated as an admission-Defendant being a daughter has not been proved by any documentary or oral witness-Girdawari are routine entries and no conclusive evidence-Concurrent findings of the lower courts are affirmed; Danat Kaur alias Sant Kaur v. Harbans Kaur: 1995(1) All India Land Laws Reporter (P&H) 53

Ss. 34 to 37 and 45 Declaratory suit for declaration that the revenue record, which the plaintiff calls "TATIMA" was wrongly prepared and consequently the mutation was illegal and ultra vires-Revenue Patwari was examined-He deposed that mutation entry was affected by the then Patwari and the present Patwari has prepared the TATIMA at the spot in the presence of the parties-On total reading of his testimony,it cannot be said that any mistake was committed while affecting the said mutation- -Trial Court had held in favour of plaintiff but the appellate court disagreed-And hence this appeal-Held- Parties

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have led evidence in support of the respective sale deeds and possession over the respective pieces of land-As such the execution of said deed and the fact of possession on the basis of that is not in dispute-Lower appellate Court has arrived at a correct decision; Rajinder Singh v. Mewa Singh: 1997(3) All India Land Laws Reporter (Pb. & Hry.) 557

Sections 34, 35, 36 and 37-Property of the deceased was mutated in the name of his nephews on the basis of unregistered Will- During the proceedings, the daughter of the deceased was obliged with a change in mutation in her name, but in the absence of the petitioners-Such a change in challenged by petitioners on the grounds of existence of unregistered Will, also not good relations-Also that deceased had not other issue Without going into the merits of the documents submitted, especially by unregistered Will, Mutation should not have been changed on the back of the petitioners-Case remanded to A.C. 1st Grade who may call upon the parties to establish their claims to the suit property; Baldev Singh & another v. Mahinder Kaur: 1995(1) All India Land Laws Reporter (F.C.) (Haryana) 589

Ss. 34(3) and 45-Changes in revenue records on the basis of registered document are sought after 15 years-In such a case it would not have been possible for A.C. 1st Grade to decide the mutation-Further, Collector was right to advise the parties to seek remedy in Civil Court-Recommendation of the Commissioner has thus become redundant and infructuous- Petitioners may agitate their case before civil court of competent jurisdiction; Gurdial Singh v. Mohan Singh: 1997(3) All India Land Laws Reporter (F.C., Punjab) 588

Section 36-AC lind, wrongly ordered the correction of Khasra Girdawari with the name of unauthorised occupant, On basis of extraneous factors and without delving deep into the matter-For entry in Khasra Girdawari, occupant must be in cultivating possession Held-law of the land recognises a change brought by due course of law'--It will make a mockery of court orders if possession delivered by revenue authorities in execution of a Civil Court decrees in again disturbed by force, by the persons from whom possession was retrieved earlier-Drder passed by AC II and collector are set aside-Case remitted to SDO(C)-cum- Collector for necessary action; Talwinder Singh v. Harbhajan Singh: 1997(1) All India Land Laws Reporter (F.C.PB) 520

Ss. 36-When person recorded in cultivating possession in Khasra Girdawari is absent, spot inspection is unfair and illegal, especially when the revenue record is consequently amended- Person was not present inspite of notice is no justification Another date should have been fixed to give an opportunity to the person to be present; Gopi v. Mohan Singh: 1997(3) All India Land Laws Reporter (F.C., Punjab) 586

Ss. 36 & 37-On death of the land holder, a shajranasab was prepared and the mutation entered by Halqa Patwari in favour of widow as sole legal heir to hold the property Entry further verified by Nambardar, Sarpanch and Chowkidar-Brother and sister of the deceased have challenged the mutation on the ground that she was not married to deceased-AC. II Grade had sanctioned the Mutation-Collector made an observation that mutation being contested could be heard and decided by AC.I Grade-Before Collector a wrong mutation had been challenged-Commissioner (Appeals) had pointed out wrong mutation referred and restored the orders of AC. Grade II-Held-Shajra Nasab had been rightly prepared-Brother and Sister of the deceased had no right to be indicated therein Contention that widow was not the married wife of the deceased, it is just an after thought to create impediments-Such intricate question of law can better be decided by a competent civil Court; Chanchal Singh v. Smt. Pal Kaur : 1997(2) All India Land Laws Reporter (F.C.PB.)496

Ss. 36 and 45-Khasra Girdawari upto Rabi 1992 have been incorporated in Jamabandi-Correction thereafter in the name of respondent as ordered by AC. II has become meaningless-Collector rejected the appeal of the petitioner, without application

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of mind-Orders set aside- Entries in the name of petitioner are allowed to continue in revenue record, uninterrupted: Gopi v. Mohan Singh: 1997(3) All India land laws Reporter (F.C., Punjab) 586

Section 37 and 45-Petitioner challenged the corrections in Khasra Girdawari entries in favour of respondents as ordered by Assistant Collector II Grade-Collector rejected the appeal and upheld the corrections-Commissioner recommend the revision as the alleged entries had become a part of the Jamabandi for 1987- 88 and corrections are beyond the jurisdiction of the Revenue Officers-Held-Entries forming part of jamabandi cannot be corrected by the Revenue Officer-Remedy lies with the Civil Court-Reference accepted-impugned order of Collector as well as Assistant Collector II Grade-are set aside-Land Records Manual, Para 9.9: Dilbag Singh & Anr. v. Surajmal & Ors.: 1995(4) All India land laws Reporter (F.C. Haryana) 552

Ss.37 & 45-Petitioners challenged change in mutation entries, Collector rejected the challenge as the change could be corrected by a Civil Court only-On further appeal. Commissioner has recommend the acceptance of claim-Held-Mutations illegally sanctioned can be corrected even if incorporated in the Jamabandi-Matter remitted back to Asstt. Collector, 1st Grade with directions to decide these mutations afresh on merits; Murti and Anr. v. Hukum Chand: 1996(1) All India land Laws Reporter(F.C., Hry) 586

Ss.37 and 45-Illegal corrections in jamabandi. even confirmed by civil decrees obtained collusively-Commissioner recommended acceptance of petition and remand to Asstt. Collector to redecide mutations-Held-Findings of the Commissioner that mutations illegally sanctioned can be corrected even if incorporated in the jamabandi-Remanded to the Assistant Collector to decide mutations afresh on merits after giving opportunity to parties; Smt. Murti & Anr. v. Hukam Chand: 1996(2) All India land laws Reporter (F.C., HRY.) 71

Section 44-Nature of Land and title is disputed-The Collector held the land as Shamlat'deh and in holding that Collector basically relied on entries in MISAL HAKIAT-Findings were confirmed by commissioner-Ld. Single Judge held MISAL.HAKIYAT prepared way back in 1954-55 in such a revenue record-That presumption of truth is attached. to it-Although evacuee property, the land vested in Gram Panchayat as decided by Supreme court in 1985(2) ALL INDIA LAND LAWS REPORTER 468-It will further be seen that all the appellants came to occupy land under the Gram Panchayat from time to time and specified rate of rent- They are certainly not the proprietors, cannot dispute the title of their landlord-Evidence Act, 1872-S.115-Punjab Village Common Lands (Regulation) Act, 1961-Ss.7 & 11; Kartar Singh v. The Collector, Patiala&Ors.:1996(2)All India Land Laws Reporter(P&H) 30

Section- 44-Punjab Land Records Manual, para99-civil Procedure Code, 1908-Order 26, Rule 9-Lis is between two brothers- Plaintiff claimed possession as also permanent injunction to restrain defendant from interfering with his possession-Claimed he was owner of 1/4th land and further that 3/4th was in his possession on payment of chakota-Suit was decreed by Trial Court-Lower appellate court found no evidence on record that plaintiff had been inducted into possession on payment of chakota- Trial court appointing a local commission to ascertain actual possession was also disproved-Possession was to be determined by the Court itself-Parties cosharers. no injunction could be granted-Dismissed the suit-High Court held-Entries in Revenue Record show that in self cultivating possession of cosharer-Entries having been altered here and there by Patwari are in violation of the instruction issued by Financial Commissioner-Such entry is to be treated as null and void- Findings of the lower appellate court are neither illegal nor erroneous-Lower appellate rightly declined to place any reliance upon the report of Local Commissioner-Meritless appeal is dismissed; Gurcharan Singh v. Kehar Singh (Deceased) by LR : 1997(2) All India Land Laws Reporter (P&H)518

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S.44- To prove a partition of the property between the deceased father and the sons, entries in Khasra Girdwari has been projected-As held in innumerable cases, presumption of truth attached to mutation is only to the extent of the possession and cultivation-In no way the entries in mutation can speak for the title to proper-Authorities while assessing estate duty rightly took the view that entire property stood in the name of the deceased-An on his death developed on his two sons; Teja Singh v. Union of India: 1997(2) All India Land Laws Reporter (P& H) 510

S.44-Punjab Village Common Lands (Reg.) Act.1961-S.2(g)- Petitioner claim to land is resisted by the Gram Panchayat-Land shown as "Gair Mumkin Johar" and possession shown as that of Gram Panchayat in Jamabandi-Presumption attached to jamabandi under Punjab Land Revenue Act is not rebutted-No construction made on the land-Tethering cattle thereon by the petitioners is no proof of exclusive possession-Petitioners have not been able to bring their case in any of the exceptions as mentioned in S.2(g) of the said Act-Findings recorded by Commissioner are not patently illegal which require interference; Prem Singhv. The Joint Director of Panchayats, Punjab: 1997(2) All India Land Laws Reporter (P & H) 349

S. 44-During consolidation share of 'J' third deceased brother was allotted to progeny of 'P', the defendants-Was thus denied to plaintiffs and hence the'Suit- Trial Court found from revenue records produced that plaintiffs had 1/3 share in the property- That predecessor of plaintiff did not succeed to the share of "J" on his death-Finding confirmed by lower appellate Court and hence this Regular Second Appeal- Held-Onus to prove that plaintiffs were owners of the suit land and are in possession of it was on the Plaintiffs-They did not lead any evidence in the shape of revenue records--There is a rebuttable presumption of correctness attached to revenue entries-Record of jamabandis from 1967-68 upto 1972-73 have been placed on record by defendants-Names of plaintiffs or their predecessor-in-interest appear nowhere-Findings of the Courts below are affirmed; Swarani Devi v. Bhagat Ram: 1997(3) All India Land Laws Reporter (Pb. & Hry.) 573

S. 44-Presumption of truth attached to jamabandis-Rebuttable-One co-sharer sold his share in disputed land to other co- sharers-His name continued in Jamabandis-'If it stands established from evidence that parties did not remain co- sharers, correctness of Jamabandi is rebutted- -Once a cosharer sells his share to other cosharers, parties did not remain cosharers-correctness of jamabandi is rebutted-report of the Local Commissioner has clearly shown that defendants were in possession of land in excess of their share- Defendant is duty bound to restore possession to the plaintiff; Sardara Singh v. Dilbagh Singh: 1997(3) All India Land Laws Reporter (Pb.& Hry.) 577 •

S. 45-Appellants filed a suit for declaration as owners in possession of land and correction of entries in revenue record--Resisted by Gram Panchayat as suit was not maintainable in Civil Court in view of the bar of Section13 village Common Land Act-Held-Assistant Collector had earlier decided that land in dispute stands excluded from the-purview of shamlat deh- Present suit is for correction of entries revenue records.Suit maintainable in Civil Court under S. 45 of the Punjab LandRevenue Act,1887-Punjab Village common Lands (Regulation) Act, 1961-S. 13; Chiranji.Lal & Ors. V. Gram Panchayat of Village Kojinda & Ors. : 1997(3) All India Land LawsReporter (Pb. & Hry.) 372

S. 45-Plaintiffs suit is for declaration that they are owners in possession of the land and are entitled to get their names duly recorded in the revenue records--Gram Panchayat claimed the said land to be shamlat deh- In view of the bar of S. 13 of Village Common Lands (Reg.) Act, suit was dismissed by Trial Court, upheld by lower appellate court-Hence this appeal- Held-By an earlier judgment between the parties, Asstt.Collector 1st Grade had decided that subject matter of adjudication did not vest in the Gram Panchayat-What remains is the controversy with regard to the entries inrevenue record-

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As per S. 45 of 1887 Act, suit is maintainable before a court of competent jurisdiction i.e. Civil Court—case remanded to Trial Court to decide the matter on merits—Punjab Village Common Lands (Regulation) Act, 1961—Section 13; Chiranji Lal v. Gram Panchayat of Village Kojinda: 1997(3) All India Land Laws Reporter (Pb. & Hry.) 398

S 45—Petitioners allege that Asstt. Collector IInd Grade ordered change in Khasra Girdwari without any notice to the petitioner or his predecessor-in-interest, who was/were in cultivating possession—This is in complete contravention of prescribed manner as provided in Punjab Land Manual para 9.9—Proof in favour of change has to be placed on record—Petitioner further alleged that a fraud is writ large as is evident from spot inspection resulting in the change—Evidently the change was made on 19.10.1989 and purchase was affected on 21.12.1989—Held—Orders of correction were passed before the purchase was affected—Petitioners had no locus standi at that time (of change)—Entry challenged has been incorporated in the jamabandi—Revenue officers have no jurisdiction—Civil Court decree relied upon is yet subjudice—Appeal dismissed; Gurmail Singh v. Man Kaur : 1997(3) All India Land Laws Reporter (F.C. Haryana) 400

S.45—Constitution of India, Art.226—Dispute is in respect of a piece of land which was once upon a time shamlat deh and has now by mutation and Jamabandi come to be entered as belonging to Municipality—Appellant have challenged this title and right by a Writ petition—Both Parties have hotly contested the claims. title and interest of each other—Questions are a disputed question of fact—Held—Such question can be decided under the provisions of Land Revenue Act—S.45 provides that any person considering himself aggrieved as to any right regarding entries in records of rights, he can file a suit for declaration in Civil Court only under the provisions of Specific Relief Act; Lehna Singh v. The State of Haryana & Ors.: 1996(1) All India Land Laws Reporter (P&H) 576

Ss.67(b) and 69—Industrial Disputes Act, 1947—Ss.33-C(1) and Ss.33-C(2)—Labour court had confirmed that a sum of Rs.62,000/- was due to the workers and directed recovery as like arrears of land revenue—On failure to pay. arrest warrants were issued against the appellant—Appellant has impugned the recovery under land Revenue Act and issue of warrants for arrest without notice—Held—Act does not contemplate issuance of any notice prior to issue of warrants for arrest—Appellant avoided not only payment but also presenting himself in the Court—Procedure of issuance of prior notice tends to frustrate effectively the clauses (b) of S.67 and—aid as;ever to avoid process of recovery by arrest—7detention—Constitution of India, Art. 14 and 21; Sardar Dilshar Singh v. The Labour Comm. & Anr.: 1996(1) All India Land Laws Reporter (Supreme court) 348

5.69 & 67(b)—labour Court directed arrears of salary, bonus etc. to be recovered from the appellants as arrears of land Revenue—Appellant has not only failed to pay but has also avoided bailiff and at one stage assured him to appear before the collector, failed in that also—On Warrant of arrest being issued had challenged the Constitutional validity of these provisions of Punjab land Revenue Act, under Article 21 & 14—Held—When the movable properties were sought to be attached appellant undertook to appear in the Court but did not turn up—Law does not contemplate issuance of any prior notice before warrants—Procedure of issuance of prior notice tends to frustrate the effectivity of clause(b) of Section 67 of the Act—Industrial Disputes Act, 1947 Section 33-C(2); S. Dilshar Singh v. Labour Commissioner & Anr.: 1996(1) All India Land Laws Reporter (Supreme Court) 588

Ss.110 & 111—Amendment application for separation of the shares from joint Khata and Correct measurement of land which has inadvertently been given lows in original application—rejected by A.C. 1st Grade—Revision before collectore was allowed—Collector recommended the case for acceptance of amendment and forwarded to Commissioner (appeal) who has further endorsed the recommendation—held—In view of the recommendation of Collector, endorsed by Commissioner (appeals), reference is

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accepted-Order of the A.C. 1st Grade dated 04.08.1986 is set aside-A.C. 1st grade is directed to accept the amendment in application and thereafter proceed further in accordance with the law; Charan Kaur v. Charan Singh: 1997(1) All India Land Laws Reporter (F.C.PB) 575

S. 111 read with S. 158(9)(XVII)- Plaintiff-respondent were not party to deed of partition- Admitted that even after order passed by F.C. in 1982, land has been shown as joint property- Plaintiff-respondent recorded as co-sharers-F.C. in his order date February 3, 1982 has clearly said that question of title was left to be decided by Civil Court-In this situation it cannot be said that Civil Court did not have jurisdiction to pronounce upon the title of the parties-No merit in review; Sant Ram and others v.,Baldev Singh: 1997(3) All India land Laws Reporter (Pb. & Hry.) 492

S.111-Partition-Mode of partition sanctioned-Land not given to parties. as per their shares-Land sold by S. was not shown in his share-Although mutated in Jamabandi, correct jamabandi was not presented before A.C., 1st Grade-Some more entries have been made-For unequitable distribution, appeal is accepted; Jarnail Singh v. Joginder Singh & Ors.: 1996(2) All India Land Laws Reporter (F.C.,Pb.) 516

Section 111-Commissioner (Appeals) has recommend the acceptance of Revision petition filed against the order of lower revenue authorities-Respondent had filed an application for partition of joint properties of a part of which he was the purchaser-No mutation had been entered in his name but he is entitled partition if he can establish his claim-Revenue officer before ordering partition had to satisfy about the claim of the applicant in accordance with S. 111 (a) or (b) or (c)- Bonafide purchaser of land on the basis of a registered sale deed in adequate proof of the claim of Respondent- Commissioner's recommendations cannot be accepted-Petitioner dismissed;Sis Ram

v. Ram Mohar : 1996(3) All India Land Laws Reporter (F.C. Haryana) 499

Section 111 and 112- Three co-sharers-Apply for partition of the joint Kehwat-One cosharer died-In mutation the LRs were shown in the share-In between the LRs there was a civil suit as regards interest shares-Partition cannot take place during pendency of a civil litigation, which pertains to the share of the deceased-Co-sharer, would not hold good in this case- Partition can go on an respective shares of the LRs can be partitioned only after the decision of the civil suit in the pending litigation;. Smt. Jani & Ors. v. Kishan Lal : 1997(2.) AUtodia Land Laws Reporter (F.C. HRY) 37

Ss. 111, 113. 114 and 116- Petitioner prays for setting aside of partition proceedings in which he has not appeared deliberately- By collusion with his brother and son has delayed the proceedings by 8 years at mode of partition stage- To say that he did not know of the proceedings. defective service, is fallacious since his brother and son, living in the same viilage are regular attending-Petitioner can join the proceedings prospectively and submit his objections to mode of partition; Amrik Singh v. Charan Kaur :1997(3) All

India Land Laws-Reporter (F:C., Haryana) 554

Sections 111, 116 and123-Private partition- Unless reported to Revenue Authorities, entered into revenue records and actually acted upon between the parties, partition cannot be recognized under law-partition proceedings pending before the Astt. IInd grade shall continue; Thandia v. Roshan and Anr.: 1995(4) All India Land Laws Reporter (F.C. Haryana) 53

Sections 111 to 116-Appeal is against concurrent orders of lower Revenue Courts in a partition of Joint Khata-in the absence of the petitioner who. did not appear despite notice Naqsha Bey, was prepared by the Asst. Col. 1st Grade-Appeals were dismissed II through-Contest is just on one point, that no notice was issued to the petitioners and then his appeals were rejected-Counter is that petitioners deliberately absented and the attacks on Naqsha Bey had become infructuous-Held- Petitioners have failed to point out any illegality in the orders passed by lower courts-No reason to interfere in the well

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reasoned orders passed by them- Petitioners have been allotted land as per their shares and according to the quality-Naqsha Bey has been rightly approved; Kartar Kaur v. Mahla Singh and others: 1995(1) All India Land Laws Reporter F.C. (Pb.) 500

Section 111 and 116-Whereas the sons of Gian Singh (Deceased) made an application for separation of his share out of joint land and the said application was allowed. the revision is filed by his widow, Bawi impugning the order dated 14.11.1993-Held- Partition of land was done as per shares recorded in Jamabandi for the year 1985-86-Petitioner neither shown as a shareholder in Joint Khata nor her right to any share has been established by a court decree, nor has her right in the land been acknowledged in writing by all the person interested--Petitioner has no locus standi to challenge the order of A.C. 1st Cadre; Bawi (Smt.) v. Bakhtawar Singh: 1997(2) All India Land Laws Reporter (F.C.PB.) 543

Section 111 to 116-Partition of land between the parties- Assistant Collector, allowed the application for partition and laid down mode of partition-Land partitioned-Petitioners file objections-No arrangements have been offered-Held-Parties raised no objection when mode of partition was sanctioned by the Assistant Collector-No irregularity or illegality in the proceedings of the lower Courts have been shown-Petition has no force-Dismissed; Gurmukh Singh & Anr. v. Sardul Singh & Ors.: 1995(2) All India Land Laws Reporter Vol. 42 (F.C. Revenue Punjab) 440

Ss.111,118 and 118(2)-Mode of partition-Provision of Section 118 are clear and categorical-It specifically debars second appeal against, the order passed under Section 118(2)-Second appeal cannot be challenged even in revision-In case applicant is dissatisfied with the original or the appellate order regarding mode of partition, he must withdraw his application for partition-that would close the matter UNLESS, other co-sharers wish the separation of their shares-Revision rejected being redundant--Case remanded to ACI to proceed further to effect partition as per mode of partition; Harnam Singh (Dead) Thru Lrs. v. Ganda Singh: 1997(1) All India Land Laws Reporter (F.C.PB) 527

Sections 111 and 123-Private Partition-Without intervention of Revenue Officers-Affirmation of partition by Revenue Officer is a must, and he would do so after satisfying himself about the genuineness of the private partition-All the Co-sharers must have made a joint acceptance of partition-Unanimous acceptance by all co-sharer, of all provisions of a partition agreement is a hallmark of the partition, done privately-With a view to safeguard against the dissent by any member, it would be prudent to present the document jointly for affirmation-it is both subjective as well as objective satisfaction of the Revenue officer, according to which document is to be accepted satisfaction of the officer to which document is to be accepted and satisfaction of the Revenue officer, according to which document is to be accepted and mutation ordered accordingly Held- Document dated 12.2.1984 has been proved faulty-Second alleged document dated 18.4.1989 is a bogus and fabricated document-No cognizance is to be taken of this document-Revision petition is rejected-Reference by Commissioner is rejected-Orders of AC 1st grade as well as Collector are upheld; Amerjit Singh v. Shangara Singh: 1997(2) All India Land Laws Reporter (F.C.PB.) 99

Ss.111 and 123-Petitioner initially filed an application under Section 111 for seeking partition-Later on parties by joint request and concurrence approached the Revenue Officer to treat the application under Section 123 as they had already affected private partition-Request granted---Instrument of partition was drawn up-It is thereafter that petitioner filed an appeal, stating that actual partition was not in terms of the agreement of partition-Held-No appeal was competent as law of estoppel had operated--Revenue Officer had affirmed the private partition with the express consent of the parties-No party could resile- If change of postures is allowed to the parties, mechanism provided under

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Section 123 of the Act will become sheer otiose: Gulzar Singh v. Kashmir Singh: 1996(4) All India Land Laws Reporter (F.C., Pb.) 65

S. 112(2)-Well-Common to all co-sharers for irrigation-One co-sharer cannot deprive others the right of irrigation by removing the persian wheel and by installing tubewell-Defendant rightly directed to restore persian wheel or allow use of tubewell on payment-Injunction declined by lower Courts upheld-Civil Procedure Code, 1908-0. 39, R. 1; Mahanga Ram v. Gurdail Singh and others: 1997(4) All India Land Laws Reporter (Pb. & Hry.) 540

Sections 113 and 118(2)-Petition-Mode of partition-Only two of the 15 persons interested in partition have challenged the partition on very generalised grounds and not on any specific ground of illegality or irregularity-It appears the remaining 13 interested persons are satisfied with partition-When the mode of partition has not been challenged and when partition has been carried out according to mode of partition, no challenge can be entertained; Kashmir Singh v. Amar Singh: 1997(1) All India Land Laws Reporter (FC.PB) 531

Section 116-Partition-Allowed to proceed by the Assistant Collector IInd Grade-'And application for partition was "by the persons who had purchased the specific Khasra' numbers in a joint land-Challenged-Held-It has been recognised in 1981 ALL INDIA LAND LAWS REPORTER 356 that a sale of a specific portion of land by co-sharer would be a sale of joint land with reference to a specific share--and therefore purchaser can get the land partitioned-No merit in the Revision petition which is dismissed; Dariya Singh v. Surender Singh & Ors.: All India Land Laws Reporter (F.C. Haryana) 571 . Ss.116 & 112-Partition-Partial partition-Petitioners application for partition was rejected by A.C.1 Grade as it was for partial partition-Petitioner was not a cosharer in all Khewats-Upheld to understand in what way application made by petitioner is a case of partial partition-Those Khewats where respondent etc. are not common share holders have been included in the application-Those could be partitioned-Orders passed by A.c.1st Grade, Collector as well as the Commissioner are very unfortunate, have resulted in avoidable 12 years of litigation and has cost so dear;y to the petitioner; Dalip Singh v. Kartar Singh: 1997(1) All India Land Laws Reporter (F.C. PB) 325

Sections 116 and 118-- Petitioners seek a writ of Certiorari / mandamus to the respondents to the effect\*that~ordercS issued by A.C.I., Commissioner and Financial Commissioner concerning mode of partition-Held-While determining the meht mode of partition, the agreement arrived at between the parties, their settled possession since 1973, nature of cultivation quality of land have all been taken into consideration by the Revenue authorities-No violation of the provisions of Punjab Land Revenue Act, 1887 has been shown--As,held.in 1994 (1) ALL INDIA LAND LAWS REPORTER 307--This court cannot assume the role of an appellate court, in its writ jurisdiction-Constitution of India, Article 226; Punjab Singh v. TheFinancial Commissioner Haryana: 1996(4) All India Land Laws Reporter (P&H) 510

Ss.117, 118-Mode of partition-Instrument of partition-After the partition was completed, instrument of partition was drawn up and sanctioned-Partition became final Revision against the instrument of partition which is enforceable litre a decree of a civil court passed for immovables property, is not competent- Revision petition rejected; Sangara Singh v. Sampuran Singh: 1996(4).All India Land Laws Reporter (F.C.,Pb.) 62

Sections 118(2) and 16-Application for feview or for recall lacks any merit-Subject of appeal is instrument of partition and not "NAQSHA JEEM" that is mode of partition-Whereas an appeal/revision is maintainable against mode of partition, final instrument of partition cannot be attacked: Bawa Singh v. Sant Singh: 1997(1) All India land Laws Reporter (F.C.PB.)539