

Calcutta Land-Revenue Act, 1850

23 of 1850

[08 June 1850]

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PREAMBLE

An Act for securing the Land-revenue of Calcutta.

WHEREAS it is expedient that the land-revenue accruing due to the 1[Crown] within Calcutta be ascertained and collected in as summary a manner as in other parts of the territories under the government of the 1[Crown] :

It is declared and enacted as follows :

1. Word substituted by the Government of India (Adaptation of Indian Laws) Order, 1937.

1. Assessment of unassessed lands :-

All assessable lands, not the property of the ¹[Government], within the town of Calcutta, of which the rate of assessment is not known,

or which have not heretofore been assessed, shall be assessed at the rate of three annas for each cottah.

1. Word substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

2. Lakhiraj tenures :-

Lakhiraj tenures of land in Calcutta, of which uninterrupted possession has been held exempt from assessment for sixty years, shall be valid : no other lakhiraj tenures of land in Calcutta shall be deemed valid unless the same are or shall be held under an unexpired grant from the British Government.

3. Levy, by distress and sale, of unpaid assessments :-

If any owner of land within Calcutta, or any person holding land within Calcutta on lease from the ¹[Government] shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the land is assessed, or for which he is liable under his lease, the Collector may levy the same by distress and sale of the goods and chattels, wherever found, of such owner or lessee, or, after written demand upon the tenant or occupier, and his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any goods and chattels found upon the land, in the manner appointed for regulating distress for small rents in Calcutta by ²[the Presidency Small Cause Courts Act, 1882, Chapter VIII]; and, for the purpose of any such distress and sale, the Collector shall have all the powers of ³[the Judges of the Court of Small Causes at Calcutta]; and the Collector shall have power to appoint any of his officers to perform the duties of bailiffs and appraisers, and of the chief clerk of the said Court, ⁴* * and all the provisions of the said Act relating to ³[the Judges of the Court of Small Causes at Calcutta] and their Court shall be deemed to apply to the said Collector and his office in the execution of this Act.

1. Word substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

2. Words and figure substituted by Act 15 of 1882.

3. Words substituted by Act 15 of 1882.

4. Words omitted by Act 15 of 1882.

4. Deduction by occupier from landlords rent :-

In the case of payment by any tenant or occupier not holding immediately under the ¹[Government], or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

1. Word substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

5. Priority of Government claim :-

The claim of the ¹[Government] for land-revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

1. Word substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

6. Distress not stayed unless amount lodged :-

If the Collectors claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

7. Recovery of arrears :-

Arrears of rent or revenue which shall be come due to the ¹[Government], within the town of Calcutta after the passing of this Act shall be recoverable at any time within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable or his agent, and not afterwards.

1. Word substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950

8. Inquiry into claims to hold land lakhiraj :-

When a claim to hold land lakhiraj or free of assessment shall be set up under this Act, the Collector shall inquire into the claim, taking such evidence as the claimant may offer or the public records supply, and shall report his proceedings and decision in the case for the consideration of the Revenue Commissioner. If the Commissioner is satisfied of the validity of the claim, he shall make an order accordingly, and such order shall be final. If he is not satisfied of the validity of the claim, he shall direct the Collector to

assess the land, leaving the claimant to contest the Collectors demand in the Civil Courts as herein provided.

9. Penalty for obstructing Collector :-

Any person obstructing or molesting the Collector or any of his subordinate officers in the execution of their duty shall, on conviction before a Magistrate of the town of Calcutta, be liable to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the common jail for a term not exceeding six months, or until the fine is sooner paid.

10. Power to punish contempts :-

The Collector may punish any contempt committed in his presence in open cutcherry or office, by fine not exceeding two hundred rupees, and, in default of payment, by imprisonment in the common jail for a term not exceeding one month : from every such order, or fine or imprisonment, an appeal shall lie to the Commissioner, whose decision shall be final.

11. Control of Collector :-

The Collector shall act in the execution of this Act under the usual control of the superior Revenue-authorities.

12. Bar of Jurisdiction of Supreme Court :-

The ground-rents payable to the ¹[Government] from lands in Calcutta are revenue within the meaning of the Act of Parliament 21 Geo. 3, c. 70, and the Supreme Court of Judicature established by Royal Charter at Fort William in Bengal has not any civil jurisdiction concerning, the said ground-rents or concerning any thing ordered or done in the assessment or collection thereof.

1. Word substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

13. Jurisdiction of Court of 24-Parganas :-

All actions concerning any trespass or injury committed by any Revenue-officer acting under colour of this Act, or concerning any claim in respect of any goods taken by, or any moneys paid to, any Revenue-officer under this Act, or concerning any claim of rent or revenue on the part of the ¹[Government] under this Act, shall be

tried and determined in the Civil Courts established by the ¹[Government], at the sadar station of the 24-Parganas, notwithstanding that the cause of action in respect of which such action is brought arose, or the defendant therein resides, within the limits of the town of Calcutta : and every such action shall be brought within six months after the cause of action arose, and not afterwards.

1. Word substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

14. "Collector", "Commissioner." :-

The words "Collector" and "Commissioner" used in this Act shall be taken to mean any person lawfully appointed to exercise the powers of Collector and Commissioner respectively.