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**Chhattisgarh Land Revenue Code (Amendment) Act, 2008****17 of 2008****[23 August 2008]****CONTENTS**

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**Chhattisgarh Land Revenue Code (Amendment) Act, 2008****17 of 2008****[23 August 2008]**

An Act further to amend the Chhattisgarh Land Revenue Code, 1959. Be it enacted by the Chhattisgarh Legislature in the Fifty-ninth Year of the Republic of India as follows:-- \*\* Published in Chhattisgarh Rajpatra (Asadharan) dated 23-8-2008 Pages 474(3-6).

**1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2008.
- (2) It extends to the whole State of Chhattisgarh.
- (3) It shall come into force from the date of its publication in the Official Gazette.

**2. Amendment In Section 10 :-**

For sub-section (2) and proviso of Section 10 of the Chhattisgarh

Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the Principal Act) the following shall be substituted, namely:--

"(2) (a) All cases of:--

(i) First appeal against the order of the Collector whether exercising the powers of Collector or Settlement Officer during the currency of settlement, pending before the Board;

(ii) Second appeal against the order of the Sub-Divisional Officer or the Collector pending before the Board;

(iii) Second appeal against the order of the Sub-Divisional Officer pending before the Collector;

shall stand transferred to the Commissioner.

(b) All cases of revision, review and other proceedings which stood transferred to the Board from the Commissioner after 23rd November 2002 and pending before the Board, shall stand transferred to the Commissioner;

(c) In the case of revision instituted on an application made by any party after 23rd November 2002 and pending before the Board the party may make an application for transfer of such case to the Commissioner and if such an application is made, the Board shall transfer the case to the Commissioner.

### **3. Amendment In Section 11 :-**

In Section 11 of the Principal Act, the words "Commissioners (including Additional Commissioners)" shall be inserted before the words "Settlement Commissioner."

### **4. Amendment In Section 12 :-**

After sub-section (1) of Section 12 of the Principal Act, the following sub-section shall be inserted namely:--

"(2) All Revenue Officers in a Division shall be subordinate to the Commissioner."

### **5. Insertion Of Sections 14 And 15 :-**

After Section 13 of the Principal Act, the following Sections shall be inserted, namely,--

"14. Power to appoint Commissioners of divisions.--

( 1 ) The State Government shall appoint in each division a Commissioner who shall exercise therein the powers and discharge the duties conferred and imposed on a Commissioner by or under this Code or under any other enactment for the time being in force.

(2) The State Government may, subject to such conditions as it may deem fit to impose, by notification, confer upon the Commissioner any of the powers or functions assigned to the State Government by or under any enactment for the time being in force.

15. Power to appoint Additional Commissioner.--

(1) The State Government may appoint an Additional Commissioner in a division or in two or more divisions.

(2) An Additional Commissioner shall exercise such powers and discharge such duties conferred and imposed on a Commissioner by or under this Code or by or under any other enactment for the time being in force in such cases or class of cases as the State Government may, by a general order, notify or as the Commissioner of the division may, subject to any general or special restrictions imposed by the State Government, by an order in writing direct.

(3) This Code and every other enactment for the time being in force and any rule made under this Code or any such other enactment shall, except where expressly directed otherwise, apply to the Additional Commissioner when exercising any powers or discharging any duties under sub-section (2) as if he were the Commissioner of the division."

#### **6. Amendment In Section 29 :-**

After Sub-section (1) of Section 29 of the Principal Act, the following Sub-section shall be inserted namely,--

"(2) The Commissioner, on an application made to him in this behalf may, if he is of the opinion that it is expedient for the ends of justice, order that any particular case be transferred from a Revenue Officer to another Revenue Officer of an equal or superior rank in the same district or any other district in the same division,"

#### **7. Amendment In Section 30 :-**

In Sub-section (2) of Section 30 of the Principal Act, before the word "Collector" the words and comma "Commissioner, a" shall be inserted.

#### **8. Amendment In Section 44 :-**

In Section 44 of the Principal Act,--

(1) In clause (e) of Sub-section (1) for the words "Board of Revenue" the words "Commissioner" shall be substituted.

(2) In clause (g) of sub-section (1) before the words "Settlement Commissioner" the words "Commissioner or the" shall be inserted.

(3) For Sub-section (2) of Section 44 of the Principal Act, following shall be substituted, namely,--

"(2) Save as otherwise provided a second appeal shall lie against every order passed in first appeal under this Code or the rules made thereunder--

(i) by the Sub-Divisional Officer or the Collector to the Commissioner;

(ii) by the Settlement Officer to the Settlement Commissioner;

(iii) by the Commissioner to the Board--

(a) if the original order has in the first appeal been varied or reversed otherwise than in a matter of cost; or

(b) on any of the following grounds and no other, namely.--

(i) that the order is contrary to law or usage having the force of law; or

(ii) that the order has failed to determine some material issue of law or usage having force of law; or

(iii) that there has been a substantial error or defect in the procedure as prescribed by this Code, which may have produced error or defect in the decision of the case upon merits."

#### **9. Amendment In Section 47 :-**

After clause (a) of Section 47 of the Principal Act, the following clause shall be inserted, namely.--

"(b) to the Commissioner after the expiration of sixty days from such date; or."

#### **10. Amendment In Section 50 :-**

(1) In Sub-section (1) of Section 50 of the Principal Act, after the words "The Board" the words "or the Commissioner" shall be inserted.

(2) In Sub-clause (c) of clause (i) of the proviso to Sub-section (1) of Section 50 of the Principal Act, before the words "the Settlement Commissioner" the words "Commissioner or" shall be inserted.

(3) In clause (ii) of the proviso to Sub-section (1) of Section 50 of the Principal Act, before the words "the Settlement Commissioner", the words "Commissioner or" shall be inserted.

(4) In clause (i) of Sub-section (2) of Section 50 of the Principal Act, before the words "the Settlement Commissioner" the words "Commissioner or" shall be inserted.

(5) In clause (ii) of Sub-section (2) of Section 50 of the Principal Act, before the words "the Settlement Commissioner" the words "Commissioner" shall be inserted.

(6) In clause (iii) of Sub-Section (2) of Section 50 of the Principal Act, before the words "Settlement Commissioner" wherever they occur the word "Commissioner," shall be inserted.

(7) In clause (iv) of Sub-section (2) of Section 50 of the Principal Act, before the words "the Settlement Commissioner" the words "the Commissioner or" shall be inserted.

### **11. Amendment In Section 51 :-**

In clause (i) of the proviso to sub-section (1) of Section 51 of the Principal Act, after the words "if the" the word "Commissioner," shall be inserted.

### **12. Repeal And Savings :-**

The Chhattisgarh Land Revenue Code (Amendment) Ordinance, 2008 (No. 1 of 2008), is hereby repealed:

Provided that the repeal shall not affect the previous operation of the Ordinance so repealed as if this Act had not been passed.