

DELHI LAND REVENUE ACT, 1954

12 of 1954

[13th December. 1954]

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An Act to consolidate and amend the law relating to land revenue and the jurisdiction of Revenue Officers in the State of Delhi. WHEREAS it is expedient to consolidate and amend the law relating to land revenue and the jurisdiction of Revenue Officers in the State of Delhi. IT is hereby enacted as follows :

CHAPTER 1 PRELIMINARY

1. Title, extent and commencement :-

(1) This Act may be called the Delhi Land Revenue Act, 1954.

(2) It extends to the whole of the Union territory of Delhi, except any area specified in Sub-sec. (2) of Section 1 of the Delhi Land

Reforms Act, 1954.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. Repeal and savings :-

(1) The following Acts, in so far as they apply to areas to which this Act applies, are hereby repealed:

(i) the Punjab Land Revenue Act, 1887.

(ii) the U.P. Land Revenue Act, 1901.

(iii) so much of any other law or of any rule having the force of law for the time being in force as is inconsistent with the provisions of this Act.

(2) Notwithstanding such repeal, all rules, appointments, assessments, partitions and transfers made, notifications, proclamations and orders issued, authorities and powers conferred, farms granted, record-of-rights and other records framed, rights acquire, liabilities incurred, rents fixed, places and times appointed and other things done, under any of the enactments hereby repealed shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been respectively made, issued, conferred granted, framed, acquired, incurred fixed, appointed and done under this Act.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

3. Definitions :-

In this Act, unless the context otherwise requires,

(1) "Chief Commissioner" means the Chief Commissioner of the '[Union territory of Delhi];

(2) "Deputy Commissioner" means the Collector;

(3) "minor" means a person who, under Section 3 of the Indian Majority Act, 1875, has not attained his majority;

(4) "prescribed" means prescribed by rules made under this Act;

(5) "revenue" means land revenue;

(6) "revenue court" means all or any of the following authorities,

that is to say, the Chief Commissioner, the Deputy Commissioner, Additional Collector, Revenue Assistant, Assistant Collector, Settlement Officer, Assistant Settlement Officer, Record Officer, Assistant Record Officer and Tahsildar;

(7) "revenue-free", when applied to land means land whereof the revenue has either wholly or in part been released, compounded for, redeemed or assigned.

(8) "Revenue Officer" means any officer employed under this Act in preparing or maintaining revenue records, or in connection with work in relation to land revenue;

(9) "settlement" means settlement of the land revenue;

(10) words and expressions agricultural year, Asami, Bhumidhar, cess, charitable purpose, estate, Gaon Sabha, holding, land, rent, village or any other expressions, not defined in this Act and used in the Delhi Land Reforms Act, 1954, shall have the meaning assigned to them in the Delhi Land Reforms Act, 1954,

CHAPTER 2

APPOINTMENTS AND JURISDICTIONS

4. Controlling powers of Chief Commissioner :-

The control of all judicial and non-judicial matters connected with the land revenue in the Union territory, including matters connected with settlement, is vested in the Chief Commissioner.

5. . :-

Appointment of Additional Collectors The Chief Commissioner may appoint an officer serving under the Government of the Union territory as an Additional Collector.

6. Powers and duties of an Additional Collector :-

(1) An Additional Collector shall exercise such powers and perform such duties of the Deputy Commissioner in such cases or classes of cases as the Chief Commissioner or, in the absence of order from the Chief Commissioner, the Deputy commissioner may direct.

(2) This Act and every other law for the time being applicable to a Deputy Commissioner shall apply to every Additional Collector, when exercising any powers or discharging any duties under Sub-section (7), as if he were the Deputy Commissioner of the1[Union territory].

7. Assistant Collector or Revenue Assistant :-

(1) The Chief Commissioner may appoint as many other persons as he thinks fit to be Revenue Assistant or Assistants Collectors.

(2) All Revenue Assistant or Assistant Collectors and all other Revenue Officers in the Union territory shall be subordinate to the Deputy Commissioner and shall exercise all the powers and discharge all the duties conferred and imposed upon them by or under this Act or any other law for the time being in force, subject to the control of the Deputy Commissioner.

8. Tahsildars and Naib-Tahsildars :-

The Chief Commissioner may appoint as many persons as he thinks fit to be Tahsildars and Naib-Tahsildars.

9. Subordination of Revenue Officers :-

Subject to the general control of the Deputy Commissioner, every Revenue Officer of a tahsil shall be subordinate to the Revenue Assistant.

10. . :-

Creation or alteration of the limits of Tahsil and Sub-Division The Chief Commissioner may create a new tahsil or alter the limits of an existing tahsil: Provided that if more tahsils than one are created, each tehsil shall form into a subdivision and may, if necessary, be placed under a separate Revenue Assistant.

11. Deputy Commissioner in case of temporary vacancy :-

If the Deputy Commissioner dies or is disabled from performing his duties, the officer who succeeds temporarily to the Chief Executive Administrative in revenue matters shall be deemed to be the Deputy Commissioner under this Act until a successor is appointed.

CHAPTER 3

(A) PATWARIS AND KANUNGOS

12. Power to form and alter Patwaris halka :-

The "Deputy Commissioner" may, with the previous sanction of the Chief Commissioner, arrange the villages of the [Union territory] in Patwari's halkas, and may from time to time, alter the number and limits of such halkas; but no such arrangement or alternation shall be final unless and until it has been sanctioned by the Chief Commissioner.

13. Appointment etc. of Patwaris :-

The Deputy Commissioner or a Revenue Assistant, duly empowered in this behalf by the Chief Commissioner, shall appoint Patwari to each halka, and may, subject to the rules made under Section 84, order the transfer, removal, dismissal or any other punishment of Patwaris.

14. Appointment of Kanungos :-

One or more Kanungos may, subject to rules made under Section 84, be appointed for the proper supervision, maintenance and correction of the annual register and for such other duties as the Chief Commissioner may, from time to time, specify.

15. . :-

Patwaris and Kanungos to be public servants, and their records public records Every Patwari and Kanungo, and every person appointed temporarily to discharge the duties of any such office, shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, and all official records and documents kept by any such officer shall be held to be public records and the property of the Government.

16. . :-

Maintenance of map and field book The Deputy Commissioner, shall, in accordance with rules made under Section 84, maintain a map and field-book of each village, and shall cause annually, or at such longer intervals as the Chief Commissioner may prescribe, to be recorded therein all changes in the boundaries of each village or field and shall correct any errors which are shown to have been made in such map or field-book.

17. Obligations of Bhumidhars and Gaon Sabhas as to boundary marks :-

(1) It shall be the duty of every Bhumidhar to maintain and keep in repair at his own cost the permanent boundary marks lawfully erected on his fields.

(2) 'It shall be the duty of the Gaon Sabha to maintain and keep in repair at its own cost the permanent boundary marks lawfully erected on the village situated within its jurisdiction.

(3) The Deputy Commissioner may at any time order a Bhumidhar or a Gaon Sabha, as the case may be,

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

(b) to repair or renew in such form and nature as may be prescribed all boundary marks lawfully erected thereon.

If such order is not complied with, within 30 days from the communication thereof, the Deputy Commissioner shall cause such boundary marks to be erected, repaired or renewed and shall recover the charges incurred from the Bhumidhar or the Gaon Sabha concerned in such proportion as he thinks fit.

18. . :-

Penalty for injury to, or removal of marks The Deputy Commissioner may order any person found to be guilty before him of wilfully erasing, removing or damaging a boundary or survey mark to pay such sum, not exceeding fifty rupees, for each mark so erased, removed or damaged as may be necessary to restore it, and to reward, if necessary, the person through whom the information was obtained. When such sum cannot be recovered, or if the offender cannot be discovered, the Deputy Commissioner shall restore the mark and recover the cost thereof from such of the Bhumidhars of Gaon Sabhas of co-terminous fields or villages, as the case may be, as he thinks fit.

19. List of villages :-

The Deputy Commissioner shall cause to be prepared and maintained in the prescribed form a list of all villages and shall show therein in the prescribed manner the areas-

(a) liable to fluvial action,

(b) having precarious cultivation, and

(c) the revenue whereof has either wholly or in part been released, compounded, redeemed or assigned. Such lists shall be revised every five years in accordance with the rules framed in that behalf.

20. Record of rights :-

(1) There shall be a record-of-rights for each village subject to such exceptions as may be prescribed.

(2) The record-of-rights shall consist of a register of all persons cultivating or otherwise occupying land specifying the particulars required by Section 40.

21. The Annual Register :-

(1) The Deputy Commissioner shall maintain the record-of-rights,

and for that purpose shall annually, or at such longer intervals as the Chief Commissioner may direct, cause to be prepared an amended register mentioned in Section 20; and the register so prepared shall be called the Annual Register.

(2) The Deputy Commissioner shall cause to be recorded in the Annual Register all changes that may take place and any transaction that may affect any of the rights or interests recorded, and shall therein correct any errors proved to have been made in the record-of-rights or in any Annual Register previously prepared.

(5) No such change or transaction shall be recorded without the order of the Deputy Commissioner, Revenue Assistant or, as hereinafter provided, of the Tahsildar or any other Court as constituted under any law for the time being in force.

22. Report of succession or transfer of possession :-

(1) Every person obtaining possession on admission by the Gaon Sabha as Bhumidhar or Asami or by succession or by transfer other than a lease permitted under the Delhi Land Reforms Act, 1954, of any land in a village which is required to be recorded in the register specified in Section 20 shall report such admission, succession or transfer to the Tahsildar.

(2) In the case of an admission by the Gaon Sabha as Bhumidhar or Asami or of a succession or transfer, other than a lease permitted under Delhi Land Reforms Act, 1954, the report shall be made immediately after it has taken place.

(3) In the case of lease permitted under the Delhi Land Reforms Act, 1954, the report shall be made by lessor immediately after the lessee has been delivered possession thereunder.

(4) If the person so succeeding, or otherwise obtaining possession, or, in the case of a lease, the lessor is a minor or otherwise disqualified, the guardian or other person who has charge of his property shall make the report required by this section.

(5) No revenue court shall entertain a suit or application by the person so succeeding or otherwise obtaining possession or, in the case of a lease, by the lessor until such person has made the report required by this section. Explanation The word 'transfer' includes

(i) a family settlement by which the holding or part of the holding recorded in the record-of-rights in the name of one or more

members of that family is declared to belong to another or other member, or

(ii) an exchange of holding under Section 40 of the Delhi Land Reforms Act, 1954.

23. Procedure on- report :-

The Tahsildar, on receiving such report or upon the facts otherwise coming to his knowledge, shall make such inquiry as appears necessary and in undisputed cases, if the succession or transfer appears to have taken place, shall direct the Patwari of the halka to record the same in the Annual Register; if the succession or transfer is disputed or the Tahsildar finds that it is in contravention of the provisions of the Delhi Land Reforms Act, 1954, he shall refer the case to the Revenue Assistant, who shall decide it after such inquiry as may be prescribed and where necessary, direct the Annual Register to be amended accordingly.

24. Powers to prescribe fees for mutation :-

(1) The Chief Commissioner may prescribe proper fees for mutations in the register: Provided that no fee for a single mutation shall exceed rupees five.

(2) Such fees shall be levied from the person in whose favour the mutation is made.

25. Fine for neglect to report :-

Any person neglecting to make the report required by Section 22 within three months from the date of obtaining or delivery of possession, as the case may be, under a lease or other transfer, or from the date of succession, shall be liable to a fine not exceeding five times the amount of the fee which would otherwise have been payable under Section 24, or, when no fee is payable, not exceeding such amount as the Chief Commissioner may prescribe.

26. Correction of mistake or error in Annual Register :-

The Deputy Commissioner may, on his own motion and, shall, on the application of any person, correct any mistake or error in the Annual Register.

27. Settlement of disputes as to entries in Annual Register :-

(1) All disputes regarding entries in the Annual Register based on the question whether a particular area of land is held and occupied

for a public purpose or a work of public utility shall be referred to the Deputy Commissioner, who shall direct the party concerned to obtain a declaration of the Chief Commissioner under sub-section (4) of Section 1 of the Delhi Land Reforms Act, 1954.

(2) All other disputes regarding entries in the Annual Register shall be decided by the Tahsildar on the basis of possession.

(3) If in the course of an inquiry into a dispute under Sub-section (2), the Tahsildar is unable to satisfy himself as to which party is in possession, he shall ascertain by summary inquiry who is the person best entitled to the land, and shall put such person in possession.

(4) No order as to possession passed under this section shall debar any person from establishing his right to the land in any civil or revenue Court having jurisdiction. Explanation The term 'possession' in this section means possession based on admission, succession, transfer or lease referred to in Section 22.

28. Settlement of boundary disputes :-

(1) All disputes regarding boundaries shall be decided by the Deputy Commissioner, as- far as possible, on the basis of existing survey maps, but if this is not possible, the boundaries shall be fixed on the basis of actual possession.

(2) If in the course of an inquiry into a dispute under this section, the Deputy Commissioner is unable to satisfy himself as to which party is in possession, or if it is shown that possession has been obtained by wrongful dispossession of the lawful occupants of the property within a period of three months previous to the commencement of the inquiry, the Deputy Commissioner,

(a) in the first case, shall ascertain by summary inquiry who is the person best entitled to the property, and shall put such person in possession; and

(b) in the second case, shall put the person so dispossessed in possession and shall then fix the boundary accordingly.

29. Procedure when rent or revenue payable is disputed :-

In case of any dispute regarding the revenue or rent payable by a Bhumidhar or Asami, the Deputy Commissioner shall not decide the dispute, but shall record as payable for the year to which the Annual Register refers the revenue or rent payable for the previous

year, unless it has been enhanced or abated by an order or agreement under this Act or the Delhi Land Reforms Act, 1954.

30. Entries in the Annual Register to be presumed to be true :-

AH entries in the Annual Register shall, until the contrary is proved, be presumed to be true.

31. Obligation to furnish information necessary for the preparation of records :-

Any person, whose rights, interests or liabilities are required by any enactment for the time being in force or by any rule made under any such enactment to be entered in any official register by a Kanungo or Patwari, shall be bound to furnish, on the requisition of the Kanungo or Patwari or of any Revenue Officer engaged in compiling the register, all information necessary for the correct compilation thereof.

32. Inspection of records :-

All maps, field-books, lists and registers kept under this Act shall be open to public inspection at such hours and on such conditions as to fees or otherwise as the Chief Commissioner may prescribe.

CHAPTER 4

REVISION OF MAPS AND RECORDS

33. Notification of record operation and its effect :-

If the Chief Commissioner considers that, in the whole or part of the 1[Union territory], a general or partial revision of the records or a re-survey, or both, should be made, he shall publish a notification in the Official Gazette to that effect and every such area shall be held to be under record or survey operations, or both, as the case may be from the date of the notification until the issue of another notification declaring the operation to be closed therein.

34. Record Officer :-

The Chief Commissioner may appoint an officer, hereinafter called the Record Officer, to be incharge of the record operations or the survey, or both, as the case may be, in any area and as many Assistant Record Officers as to him may seem fit, and such officers shall exercise all the powers conferred on them by this act so long as such area is under record or survey operations, as the case may be.

35. Powers of Record Officer as to erection of boundary

marks :-

When any area is under survey the Record Officer may issue a proclamation directing all Gaon Sabhas and Bhumidhars to erect, within 15 days, such boundary marks as he may think necessary to define the limits of the villages and fields; and in default of compliance within the time specified in the proclamation, he may cause such boundary marks to be erected, and the Deputy Commissioner shall recover the cost of their erection from the Gaon Sabha or the Bhumidhar concerned.

36. Decision of disputes :-

In case of any dispute concerning any boundaries, the Record Officer shall decide such dispute in the manner prescribed in section 28.

37. Records to be prepared in re-survey :-

When any area is under survey, the Record Officer shall prepare for each village therein a map and field-book, which shall thereafter be maintained by the Deputy Commissioner as provided by Section 16 instead of the map and field-book previously maintained.

38. Preparation of new records-of-rights :-

Where any area is under record operations, the Record Officer shall frame for each village therein the records specified in Section 20 and, the records so framed shall thereafter be maintained by the Deputy Commissioner instead of the Record previously maintained under Section 21.

39. Attestation of entries and decision of disputes :-

All undisputed entries in the record-of-rights shall be attested by the parties interested and all disputes regarding such entries, whether taken up by the Record Officer of his own motion or upon application by any party interested, shall be disposed of by him in accordance with the provisions of Sections 27, 28 and 29.

40. Particulars to be stated in the list of tenure and sub-tenure holders :-

The register of persons cultivating or otherwise occupying land specified in Section 20 shall specify as to each tenure or sub-tenure holder the following particulars

(a) the tenure or sub-tenure as determined under the Delhi Land Reforms Act, 1954;

(b) the revenue and cesses or local rates or any other dues payable

by the tenure-holder or rent payable by the sub-tenure holder; and
(c) any other conditions of the tenure or sub-tenure which the 'Chief Commissioner may by rules require to be recorded.
Explanation For the purposes of this section the year for which the register is prepared shall be reckoned as a complete year.

41. Presumption as to entries :-

All entries in the record-of-rights prepared in accordance with the provisions of this Chapter shall be presumed to be true until the contrary is provided; and all decisions under this Chapter in cases of dispute shall, subject to the provisions of Sub-section (3) of Section 27, be binding on all revenue Courts in respect of the subject-matter of such disputes; but no such entry or decision shall affect the right of any person to claim and establish in the Civil Court any interest in land which is required to be recorded in the register prescribed by Section 20.

CHAPTER 5

PROCEDURE OF REVENUE COURTS AND REVENUE OFFICERS

42. Place of holding Court :-

(1) The Deputy Commissioner may hold his Court at any place within the Union territory.

(2) An Additional Collector, a Revenue Assistant, an Assistant Collector, a Record Officer, an Assistant Record Officer, a Settlement Officer or an Assistant Settlement Officer may hold his Court at any place within the limits of his jurisdiction.

(3) A Tahsildar may hold his Court at any place within his tahsil.

43. Power to enter upon and survey land :-

The Deputy Commissioner, Settlement Officer, Record Officer, and their assistants, subordinates, servants, agents and workmen may enter upon and survey land, demarcate boundaries and do all acts necessary for any purpose connected with their duties, under this Act or any other law for the time being in force.

44. Power of Chief Commissioner to transfer cases :-

The Chief Commissioner may transfer any judicial or non-judicial case or any class of such cases, including partition cases, from any subordinate revenue Court or Revenue Officer to any other such Court or officer competent to deal therewith.

45. Power to transfer cases to and from subordinates :-

The Deputy Commissioner, a Revenue Assistant, a Tahsildar, a Record Officer or a Settlement Officer may make over any case or class of cases, arising under the provisions of this Act or otherwise, for inquiry or decision, from his own file to any of his subordinates competent to deal with such case or class of cases, or may withdraw any case or class of cases from any Revenue Officer subordinate to him, and may deal with such cases or class of cases himself or refer the same for disposal to any other such Revenue Officer competent to deal therewith.

46. Consolidation of cases :-

Where more cases than one involving substantially the same question for determination and based on the same cause of action are pending in one or more Courts, they shall, on application being made by any party to the Court or Courts concerned are all subordinate, be consolidated in one Court and decided by a single judgment. Such cases may be filed direct in the superior Court.

47. Power to summon persons to give evidence and produce documents :-

Any revenue Court may summon any person whose attendance it considers necessary for the purpose of any investigation, suit or other business before it. All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such Court may direct, and to state the truth upon any subject respecting which they are examined or make statements, and to produce such documents and other things as may be required: Provided that persons exempt from personal attendance in the Civil Court under Sections 132 and 133 of the Code of Civil Procedure, 1908, shall subject to the provisions of those Sections, be exempt from personal attendance under this Section.

48. Procedure in case of non-compliance with summons :-

If any person, on whom a summons to give evidence or produce a document has been served, fails to comply with the summons, the officer by whom the summons has been issued may exercise the powers conferred on Civil Courts by Order XVI, Rules 10 to 13, 17 and 18 of the Code of Civil Procedure, 1908.

49. Summons to be in writing, signed and sealed :-

Every summons shall be in writing, in duplicate and shall be signed and sealed by the officer issuing it or by such person as he empowers in this behalf and shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be

found, by affixing a copy of it to some conspicuous part of his usual residence and if such person resides outside the [Union territory] the summons may be sent by post to the Collector of the district concerned for service.

50. Mode of serving notices :-

Every notice under this Act may be served either by tendering, delivering or sending a copy thereof by post in a cover registered under the Indian Post Offices Act, 1898, to the person on whom it is to be served or to his authorised agent or by affixing a copy thereof at some place of public resort on or adjacent to the land to which such notice refers.

51. Mode of issuing proclamation :-

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

52. Notice and proclamation not void for error :-

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

53. Notice and proclamation not void for error :-

54. Hearing in absence of party :-

Whenever any party to such proceedings neglects to attend on the day specified in the summons or on any day to which the case may have been postponed, the Court may dismiss the case for default or may hear and determine it ex-parte.

55. No appeal from orders passed ex-parte or by default :-

Rehearing on proof of good cause for non-appearance No appeal shall lie from an order passed under Section 54 ex pane or by default; but in all such cases, if the party against whom judgment has been given appears either in person or by agent (if a plaintiff, within 30 days from the date of such order, and if a defendant within 30 days after such order has been communicated to him, or after any process for enforcing the judgment has been executed or at any earlier period), and shows good cause for his non-appearance and satisfies the officer making the order that there

has been a failure of justice, such officer may, upon such terms as to costs or otherwise as he thinks proper, revive the case and alter or rescind the order according to the merits of the case:

Provided that no order shall be reversed or altered without previously summoning the party in whose favour judgement has been given to appear and be heard in support of it.

56. Correction of error or omission :-

Any Court or officer by whom an order has been passed in any proceeding under this Act may, within 90 days of such order, either of his own motion or on the application of a party, correct any error or omission, not affecting a material part of the case, after such notice to the parties as may be necessary.

57. Power to refer disputes to arbitration :-

The Chief Commissioner, the Deputy Commissioner, an Additional Collector, an Assistant Collector of the first class or a Revenue Assistant, a Record Officer or an Assistant Record Officer, a Settlement Officer or an Assistant Settlement Officer, may, with the consent of the parties, by order, refer any dispute before him to arbitration.

58. Procedure in cases referred to arbitration :-

In all cases of reference to arbitration under Section 57, the provisions of the Arbitration act, 1940, shall apply so far as they are not inconsistent with anything in this Act

59. Application to set aside award :-

Any application to set aside an award shall be made within ten days after the day appointed for hearing the award.

60. Decision according to award :-

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

61. Bar to appeal and suit in Civil Court :-

Such decision shall be at once carried out, and shall not be open to appeal unless the decision is in excess of, or not in accordance with, the award, or unless the decision is impugned on the ground that

there is no valid award in law or in fact; and no person shall institute any suit in the Civil Court for the purpose of setting it aside or against the arbitrators on account of their award

62. Recovery of fines and costs :-

All fees, fines, costs, other than costs between party and party, and other moneys ordered to be paid under this Act shall be recoverable as if they were an arrear of revenue. A revenue Court shall have power, subject to any special provisions in this Act, to give and apportion costs due under this Act in any proceedings before it in such manner as it thinks fit

63. Delivery of possession of immovable property :-

When an order is made that a person be put in possession of any immovable property the officer making the order may deliver over possession "in the same manner and with the same powers in regard to all contempts, resistance, and the like, as may be lawfully exercised by the Civil Courts, in execution of their own decrees

CHAPTER 6

APPEALS, REFERENCE AND REVISION

64. Courts to which appeals lie :-

(1) An appeal shall lie under this Act

(a) to the Settlement Officer or the Record Officer from orders passed by any Assistant Settlement Officer or Assistant Record Officer, respectively;

(b) to the Deputy Commissioner or to the Additional Collector specially empowered in this behalf from orders passed by the Revenue Assistant, as Assistant Collector or Tahsildar;

(c) to the Chief Commissioner from orders passed by the Deputy Commissioner, Additional Collector, Settlement Officer or Record Officer

.

(2) No appeal shall be allowed from a non-judicial order not connected with settlement passed by the Deputy Commissioner

65. First appeal :-

Unless an order is expressly made final by this Act, an appeal shall lie to the Court authorised under Section 64 to hear the same from every original order passed in any proceedings held under the

provisions of this Act

66. Second appeal :-

A second appeal shall lie to the Chief Commissioner from an order deciding an appeal under Clause (a) or Clause (b) of Sub-section (1) of Section 64 on any of the following grounds and no other, namely:

(i) the decision being contrary to law or to some usage having the force of law,

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

(iii) a substantial error or defect in the procedure as laid down in this Act or prescribed thereunder, which may possibly have produced error or defect in the decision of the case upon the merits

67. Limitation for appeal :-

(1) No appeal to the Settlement Officer, the Record Officer or the Deputy Commissioner or to an Additional Collector empowered to hear appeals shall be brought after the expiration of 30 days from the date of the order complained of, unless otherwise specially provided by or under this Act or the Delhi Land Reforms Act, 1954

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(2) No appeal or second appeal to the Chief Commissioner shall be brought after the expiration of 60 days from the date of the order complained of

68. Appeal against order admitting an appeal :-

No appeal shall lie against an order admitting an appeal on the grounds specified in Section 5 of the Indian Limitation Act, 1908

69. Powers of Appellate Court :-

(1) The appellate Court may either admit or summarily reject the appeal

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(2) If it admits the appeal, it may

(a) reverse, vary or confirm the order appealed against; or

(b) direct such further investigation to be made or such additional evidence to be taken as it may think necessary; or

(c) itself take such additional evidence; or

(d) remand the case for disposal with such directions as it thinks fit

70. Power to suspend execution of order of Lower Court :-

When an appeal is admitted, the appellate Court may, pending the result of the appeal, direct the execution of the order of the lower Court to be stayed

71. Power of Deputy Commissioner, etc. to call for records and proceedings and reference to the Chief Commissioner :-

The 'Deputy Commissioner', the Settlement Officer or the Record Officer may call for and examine the record of any case decided or proceedings held by any officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of the order passed and as to the regularity of the proceedings and, if he is of opinion that the proceedings taken or order passed by such subordinate officer should be varied, cancelled or reversed, he shall 'refer' the case with his opinion thereon for the orders of the Chief Commissioner and the Chief Commissioner shall thereupon pass such orders as he thinks fit

72. Power of Chief Commissioner to call for files of subordinate officers and to revise orders :-

The Chief Commissioner' may call for the record of

(a) any non-judicial proceeding not connected with settlement, held by any officer subordinate to him, and may pass thereon such orders as he thinks fit, or

(b) any case of judicial nature or connected with settlement, in which no appeal lies to the Chief Commissioner, if the officer by whom the case was decided appears to have exercised jurisdiction not vested in him by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of his jurisdiction illegally, or with substantial irregularity, and may pass such orders in the case as he thinks fit

73. Power of Chief Commissioner to review and alter his orders and decrees :-

(1) The Chief Commission may 'review', and may rescind, alter or confirm any order made by himself in the course of business connected with settlement or otherwise

(2) No decree or order passed judicially by him shall be so reviewed except on the application of a party to the case made within a period of 90 days from the passing of the decree or order, or after such period if the applicant satisfies the Chief Commissioner that he had sufficient cause for not making the application within such period

CHAPTER 7

MISCELLANEOUS

74. Conferring powers :-

In conferring powers under this Act, the Chief Commissioner may empower persons by name or classes of officials generally, by their official titles, and may vary or cancel any such order

75. Powers of officer promoted to a higher office in the Union territory :-

Whenever any person holding an office in the service of the [Union territory], who has been invested with any powers under this Act, is promoted to a higher office of the same nature in the [Union territory], he shall, unless the Chief Commissioner otherwise directs, be held to be invested with the same powers under this Act in the higher office to which he is promoted

76. Investment of Additional Collector with powers of Deputy Commissioner :-

The Chief Commissioner may confer on an Additional Collector, a Revenue Assistant or an Assistant Collector of the first class all or any of the powers of the Deputy Commissioner, and all powers so conferred shall be exercised subject to the control of: the Deputy Commissioner

77. Conferring of powers on Tahsildars and Naib-Tahsildars :-

The Chief Commissioner may confer on any Tahsildar all or any of the powers of an Assistant Collector of the first class, and on any Naib-Tahsildar all or any of the powers of Tahsildar

78. Deputy Commissioner to have all powers of an Assistant Collector :-

The Deputy Commissioner may exercise all or any of the powers of an Assistant Collector under this Act or any other law for the time being in force

79. Powers of a Revenue Assistant A Revenue Assistant shall, as such have the following powers :-

- (1) to call on owners to erect or repair boundary marks, and, in default, to erect or repair the same and charge the cost to owners under Section 17;
- (2) to impose penalties under Section 18 for injuries to boundary or survey marks, and in certain cases apportion the charges or repairing boundary or survey marks;
- (3) to order alternations in the Annual Register under Section 21;
- (4) to enquire into and decide cases of reported transfers under Sections 23 and 26;
- (5) to levy fees for mutations under Section 24, and fines under Section 25;
- (6) to decide disputes and pass orders under Section 27, 28 and 29

80. Powers of Assistant Collector of first class, other than a Revenue Assistant :-

An Assistant Collector of the first class, other than a Revenue Assistant, shall exercise all or any of the powers conferred on a Revenue Assistant in such cases or classes of cases as the Deputy Commissioner may, from time to time, refer to him for disposal

81. Powers of Assistant Collector of second class :-

An Assistant Collector of the second class shall in addition to the powers conferred by or under any other provision of this Act, have power to investigate and report on such cases as the Deputy Commissioner or the Revenue Assistant may, from time to time, commit to him for investigation and report

82. Powers of Assistant Record Officers :-

An Assistant Record Officer may, subject to the control of the Record Officer, exercise all or any of the powers conferred by or under this Act on Record Officer

83. Matters exempted from cognizance of Civil Courts :-

No person shall institute any suit or other proceeding in the civil Court with respect to any of the following matters:

- (a) the arrangement of Patwaris' halkas;
- (b) claims by any person to any of the officers mentioned in Section 13 or 14 or to any emolument or fees appertaining to such office, or in respect of any injury caused by his exclusion therefrom, or claims by any person to nominate persons to such officers;

(c) the formation of the record of rights or the preparation, signing, or attestation of any of the documents contained therein, or the preparation of the annual register

84. Power of the Chief Commissioner to make rules :-

(1) The Chief Commissioner may make rules for the purpose of carrying into effect the provisions of this Act

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(2) Without prejudice to the generality of the foregoing power, such rules may provide for

(a) prescribing the duties of Tahsildars and Naib-Tahsildars, and regulating their postings and transfers and their appointment in temporary vacancies;

(b) regulating the appointment and transfer of Patwaris and Kanungos, their salaries, qualifications, duties, removal, punishment, suspension and dismissal;

(c) prescribing the form, contents, method of preparation, attestation and maintenance of the record-of-rights and other records, maps, field-books, registers and lists made or kept under Section 20 of this Act and prescribing the kind of land, if any, in respect of which any such record need not be prepared;

(d) regulating the imposition and realization of fines under Section 25 for failure to notify successions or transfers;

(e) regulating the costs which may be recovered in or in respect of any judicial or non-judicial proceeding under this Act;

(f) generally for the guidance of, and regulating the procedure to be followed by, an officer (or other person) who under any provision of this Act is required or empowered to take action in any judicial or non-judicial matter;

(g) defining the classes of cases, matters, business, orders or proceedings which are to be deemed judicial or non-judicial, respectively

85. Interpretation :-

The provisions of the General Clauses Act, 1897 (10 of 1897), shall, apply, so far as may be, to this Act in the same manner as they apply to a Central Act

