

## **Punjab Alienation Of Land Act, 1900**

**13 of 1900**

**[19 October 1900]**

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## **Punjab Alienation Of Land Act, 1900**

**13 of 1900**

**[19 October 1900]**

An Act to amend the law relating to agricultural land in the Punjab  
WHEREAS it is expedient to amend the law relating to agricultural land in the Punjab; It is hereby enacted as follows:-

### CHAPTER 1 PRELIMINARY

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

(1) This Act may be called the [2][\* \* \*] Punjab Alienation of Land Act, [3][\* \* \*].

[4][(2) It extends to [5][the Punjab] [6][\* \* \*]].

(3) It shall come into force on such day[7] as the [8][Provincial] Government may, by notification in the [9][Official Gazette], direct.

#### **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context,-

[10][\* \* \* \* \*]

(2) all expressions which are defined by section 4 of the Punjab Tenancy Act, 1887[11], or by section [12][4] of the [13]Punjab Land Revenue Act, [14][1967 (XVII of 1967)], shall, subject to the provisions of this Act, have the meanings assigned to them in the said sections respectively; and the expressions "record-of-rights" and "[15][periodical] record" shall have the meanings assigned to them respectively in Chapter [16][VI] of the said last-mentioned

Act;

[17][(2A) "Collector" means the Collector of a District appointed under the Punjab Land Revenue Act, 1967 (XVII of 1967) and includes an officer authorized by the Government to exercise the powers of the Collector;

(2B) "Commissioner" means a Commissioner of a Division appointed under the Punjab Land Revenue Act, 1967 (XVII of 1967) and includes an Additional Commissioner;]

(3) the expression "land" means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes-

(a) the sites of buildings and other structures on such land;

(b) a share in the profits of an estate or holding;

(c) any dues or any fixed percentage of the land-revenue payable by an inferior landowner to a superior landowner;

(d) a right to receive rent [18][\* \* \*];

(e) any right to water enjoyed by the owner or occupier of land as such;

[19][(f) any right of occupancy]; [20][and

(g) all trees standing on such land];

[21][(4) the expression "permanent alienation" includes sales, exchanges, gifts, wills and grants of occupancy rights];

(5) the expression "usufructuary mortgage" means a mortgage by which the mortgagor delivers possession of the mortgaged land to the mortgagee and authorises him to retain such possession until payment of the mortgage-money, and to receive the rents and profits of the land and to appropriate them in lieu of interest or in payment of the mortgage-money or partly in lieu of interest and partly in payment of the mortgage money; [22][\* \* \*]

(6) the expression "conditional sale" includes any agreement whereby in default of payment of the mortgage-money or interest at a certain time the land will be absolutely transferred to the mortgagee.

[23][(7) "Alienor" includes any person transferring an interest in land by sale, exchange, gift, will, mortgage, lease or farm, and lawful heirs and successors of any such person;

(8) [24][\* \* \* \* \*]

## **2A. Application Of Act To Sections 53 And 54, Act Xvi, 1887**

:-

Notwithstanding anything contained in sections 53 and 54 of the Punjab Tenancy Act, 1887[26], when a land-lord makes a claim to exercise the rights thereby conferred upon him the provisions of this Act shall apply thereto].

## CHAPTER 2

### PERMANENT ALIENATION OF LAND

#### **3. Sanction Of [27][Collector] Required To Certain Permanent Alienations :-**

(1) [28][Save as hereinafter provided a] person who desires to make a permanent alienation of his land shall be at liberty to make such alienation where-

(a) the alienor is not a member of an agricultural tribe; or

[29][\* \* \* \* \*

(c) the alienor is a member of an agricultural tribe and the alienee is a member of the same tribe or of a tribe in the same group.

[30][\* \* \* \* \*

(2) Except in the cases provided for in sub-section (1), a permanent alienation of land shall not take effect as such unless and until sanction is given thereto by a[31][Collector]:

[32][Provided that-

(1) sanction may be given after the act of alienation is otherwise completed, and

(2) sanction shall not be necessary in the case of-

(a) a sale of a right of occupancy by a tenant to his land-lord, or

(b) a gift made in good faith for a religious or charitable purpose, whether inter vivos or by will].

(3) The [33][Collector] shall inquire into the circumstances of the alienation and shall have discretion to grant or refuse the sanction required by sub-section (2).

#### **3A. Sanction Of [35][Collector] Required For An Alienation To An Agriculturist Creditor In Certain Cases :-**

Except with the sanction of the [36][Collector] as provided for in this Act, no member of an agricultural tribe shall make [37][an alienation] of his land to a member of the same tribe or of a tribe in the same group who being a creditor has advanced to such person any loan, until such loan has been repaid or settled in full by the debtor and a period of three years has elapsed since repayment of settlement; provided that if the [38][Collector] after making such enquiries from the parties concerned as may be prescribed in this behalf by the[39][Board of Revenue] finds that an alienation has been made by a debtor to a person other than his creditor the effect of which is to pass the beneficial interest to such creditor in evasion of the provisions of this section, he shall, after recording his reasons by order in writing declare the alienation void and shall eject any person in occupation of the land by virtue of such alienation and shall place the alienor in possession

thereof.

Explanation- In this section-

[40][(1) "An alienation" means a permanent alienation or an alienation in any form other than those permitted by section 6 of this Act].

(2) The term "creditor" means a person or a firm carrying on the business of advancing loans and shall include the legal representative and the successor-in-interest whether by inheritance, assignment or otherwise, of such person or firm.

(3) The terms "creditor" and "debtor" shall be deemed to include their husbands or wives as the case may be and all persons (including their husbands or wives as the case may be) who are descended from the grandfather of such creditor or debtor as the case may be.

(4) The term "loan" means an advance whether secured or unsecured of money or in kind at interest [as defined in section 2(6) of the Punjab Regulation of Accounts Act, 1930 (I of 1930)] and shall include any transaction which [41][the court or the [42][Collector], as the case may be] finds to be in substance a loan, but it shall not include-

(i) an advance in kind made by a landlord to his tenant for the purposes of husbandry; provided the market value of the return in kind does not exceed the market value of the advance as estimated at the time of the advance;

(ii) a deposit of money or other property in a Government Post Office Bank, or any other Bank, or with a Company, or with a Co-operative Society or with any employer as security from his employees;

(iii) a loan to, or by, or a deposit with any society or association registered under the Societies Registration Act, 1860[43], or under any other enactment;

(iv) a loan advanced by or to the [44]Central or any Provincial Government or by or to any local body under the authority of the [45]Central or any Provincial Government;

(v) a loan advanced by a Bank, a Co-operative Society or a Company whose accounts are subject to audit by a certificated auditor under the[46][Companies Ordinance, 1984];

(vi) a loan advanced by a trader to a trader, in the regular course of business, in accordance with trade usage;

(vii) an advance made on the basis of a negotiable instrument as defined in the Negotiable Instruments Act, 1881[47], other than a promissory note.

(5) The terms "Bank", "Company", "Co-operative Societies" and "Traders" shall have the same meanings as are assigned to them in section 2 of the Punjab Regulation of Accounts Act, 1930[48].

### **3B. Ejectment Of Alienee :-**

In case of any resistance to an order of ejectment passed under the provisions of section 3-A, the [50][Collector] may exercise all the powers conferred on a Civil Court by rules 97 and 98 of Order XXI of the Code of Civil Procedure.

### **3C. Appeal :-**

Any person aggrieved by an order of the [51][Collector] under section 3-A or section 3-B may appeal to the [52][Commissioner], provided that no appeal shall lie unless the appeal is instituted within thirty days of the order appealed against, excluding days required for obtaining copies of the order].

## **4. Agricultural Tribes :-**

(1) The [53][Board of Revenue] shall, by notification in the [54][Official Gazette], [55][\* \* \*] determine what bodies of persons in

any district or group of districts are to be deemed to be agricultural tribes or groups of agricultural tribes for the purposes of this Act.

[56] [(2) If any question or doubt should arise as to whether a person is or is not a member of a notified agricultural tribe, the [57] [Collector] shall, after such enquiry as may be prescribed, determine whether that person is to be deemed to be a member of the said agricultural tribe for the purposes of this Act.

(3) In passing an order under the above sub-section the [58] [Collector] shall not be bound by any decree of a Civil Court, and may review any order previously passed under that sub-section:

Provided that nothing in this section shall affect a decree passed in a suit instituted before the 15th June, 1938].

## **5. Saving For Rights In Land Alienated :-**

When a [59] [Collector] sanctions a permanent alienation of land, his order shall not be taken to decide or affect any question of title, or any question relating to any reversionary right or right of pre-emption.

### **CHAPTER 3**

#### **TEMPORARY ALIENATION OF LAND**

## **6. Forms Of Mortgage Permitted In Certain Cases :-**

(1) If a member of an agricultural tribe mortgages his land and the mortgagee is not a member of the same tribe, or of a tribe in the same group, the mortgage shall be made in one of the following forms:-

(a) in the form of a usufructuary mortgage, by which the mortgagor delivers possession of the land to the mortgagee and authorises him to retain such possession and to receive the rents and profits of the land in lieu of interest and towards payment of the principal, on condition that after the expiry of the term agreed on, or (if no term is agreed on, or if the term agreed on exceeds twenty years) after the expiry of twenty years, the land shall be re-delivered to the mortgagor; or

(b) in the form of a mortgage without possession, subject to the condition that, if the mortgagor fails to pay principal and interest according to his contract, the mortgagee may apply to the [60] [Collector] to place him in possession for such term, not exceeding twenty years, as the [61] [Collector] may consider to be equitable, the mortgage to be treated as a usufructuary mortgage for the term of the mortgagees possession and for such sum as may be

due to the mortgagee on account of the balance of principal due and of interest due not exceeding the amount claimable as simple interest at such rate and for such period as the [62][Collector] thinks reasonable; or

(c) in the form of a written usufructuary mortgage by which the mortgagor recognises the mortgagee as a landlord and himself remains in cultivating occupancy of the land as a tenant subject to the payment of rent at such rate as may be agreed upon not exceeding sixteen annas per rupee of the amount of the land-revenue in addition to the amount of the land-revenue of the tenancy and the rates and cesses chargeable thereon and for such term as may be agreed on, the mortgagor having no right to alienate his right of cultivating occupancy and the mortgagee having no right to eject the mortgagor unless on the grounds mentioned in section 39 of the Punjab Tenancy Act, 1887[63]; or

(d) in any form which the [64][Board of Revenue] may, by general or special order, permit to be used.

(2) If in the case of a mortgage in form (c) the mortgagor is ejected or relinquishes or abandons cultivating occupancy of the land, the mortgage shall take effect as a usufructuary mortgage in form (a) for such term not exceeding twenty years from the date of ejectment, relinquishment or abandonment, and for such sum of money as the [65][Collector] considers to be reasonable.

[66][(3) The [67][Collector], if he accepts the application of a mortgagee under sub-section (1) (b) shall have power to eject the mortgagor, and as against the mortgagor to place the mortgagee in possession].

## **7. Rules Applying To Permitted Mortgages :-**

In the case of mortgages made under section 6-

(1) no interest shall accrue during the period for which the mortgagee is in possession of the land or in receipt of rent;

(2) if the mortgage is in form (a) or form (b), then at the end of such period of possession the mortgage debt shall be extinguished;

(3) the mortgagor may redeem his land at any time during the currency of the mortgage, on payment of the mortgage-debt or, in the case of a mortgage in form (a) or form (b), of such proportion of the mortgage-debt as the [68][Collector] determines to be equitable; and

(4) in the case of a usufructuary mortgage, the mortgagor shall not be deemed to bind himself personally to repay the mortgage-

money;

[69][(5) if a mortgagor who has applied to the [70][Collector] under sub-section (3) proves to the satisfaction of the [71][Collector] that he has paid the mortgage-debt or such proportion of the mortgage-debt as the [72][Collector] has determined to be equitable, or deposits with the [73][Collector] the amount of such mortgage-debt or of such proportion thereof, the redemption of the land shall be deemed to have taken place, and the [74][Collector] shall have power to eject the mortgagee, if in possession, and as against the mortgagee to place the mortgagor in possession].

## **8. Conditions In Permitted Mortgages :-**

(1) In a mortgage made under section 6, the following conditions may be added by agreement between the parties:-

- (a) a condition fixing the time of the agricultural year at which a mortgagor redeeming his land may resume possession thereof;
- (b) conditions limiting the right of a mortgagor or mortgagee in possession to cut, sell or mortgage trees or to do any act affecting the permanent value of the land; and
- (c) any condition which the [75][Board of Revenue] by general or special order may declare to be admissible.

(2) In mortgages made under section 6 any condition not permitted by or under this Act shall be null and void.

## **8A. Injury To Land Not Permitted :-**

The express permission in writing of an owner of land attested by a revenue officer shall be necessary in order to enable a mortgagee or lessee or person holding a farm thereof, to commit any act which is destructive of, or permanently injurious to, the land for purposes of agriculture; and no court, or Official Receiver acting or purporting to act on behalf of the owner, shall be empowered to give such permission without the consent in writing of the owner, or the insolvent, as the case may be.

Explanation- The word "owner" in this section shall include any other person authorised by law to act in this behalf].

## **9. Power To Revise Mortgage Made In Form Not Permitted :-**

(1) If a member of an agricultural tribe makes a mortgage of his land in any manner or form not permitted by or under this Act, the [77][Collector] shall have authority to revise and alter the terms of the mortgage so as to bring it into accordance with such form of mortgage permitted by or under this Act as the mortgagee appears to him to be equitably entitled to claim.



( 2 ) If a member of an agricultural tribe has before the commencement of this Act made a mortgage of his land in which there is a condition intended to operate by way of conditional sale, the [78][Collector] shall be empowered at any time during the currency of the mortgage to put the mortgagee to his election whether he will agree to the said condition being struck out, or to accept in lieu of the said mortgage a mortgage which may at the mortgagees option be either in form (a) or in form (b) as permitted by section 6 and which shall be made for such period not exceeding the period permitted by the said section and for such sum of money as the[79][Collector] considers to be reasonable.

(3) If proceedings for the enforcement of a condition intended to operate by way of conditional sale are instituted or are pending at the commencement of this Act in any Civil Court, or if a suit is instituted in any Civil Court on a mortgage to which sub-section (1) or sub-section (2) applies the Court shall refer the case to the[80][Collector] with a view to the exercise of the power conferred by the sub-section applying thereto.

[81][(4) When a mortgagee put to his election under sub-section (2) agrees to accept in lieu of his mortgage, a mortgage in form (a) or in form (b) as permitted by section 6 for the period and for the sum of money considered by the [82][Collector] to be reasonable, and the mortgagor cannot be found, or fails to appear when duly served with notice to do so, or refuses or neglects to execute such mortgage the [83][Collector] shall have authority to execute such mortgage on such terms as to costs as he may fix, and the mortgage so executed shall have effect as if it had been executed by the mortgagor. The [84][Collector] may for any reason which he deems sufficient set aside any ex parte proceedings taken under this sub-section].

## **10. Future Mortgage By Way Of Conditional Sale Not Permitted :-**

In any mortgage of land made after the commencement of this Act any condition which is intended to operate by way of conditional sale shall be null and void.

## **11. Leases And Farms :-**

Any member of an agricultural tribe may make a lease or farm of his land for any term not exceeding twenty years, and any lease or farm made by a member of an agricultural tribe for a longer term

than twenty years shall, if the lessee or farmer is not a member of the same tribe or of a tribe in the same group, be deemed to be a lease or farm for the term permitted by this section.

## **12. Restriction On Power To Make Further Temporary Alienation :-**

(1) During the currency of a mortgage made under section 6 in form (a) or form (b) or of a lease or farm under this Act, the owner shall be at liberty to make a further temporary alienation of the same land for such term as together with the term of the current mortgage, lease or farm will make up a term not exceeding the full term of twenty years.

(2) Any such further temporary alienation, if made for a longer term than is permitted by this section, shall be deemed to be a temporary alienation for the term permitted by this section.

## **13. Ejectment Of Mortgagee, Lessee Or Farmer Remaining In Possession After Term :-**

If a mortgagee, lessee or farmer holding possession under a mortgage made under section 6 or under a lease or farm made under section 11 or under a mortgage, lease or farm made under section 12 remains in possession after the expiry of the term for which he is entitled to hold under his mortgage, lease or farm, the [85][Collector] may, of his own motion or on the application of the person entitled to possession, eject such mortgagee, lessee or farmer and place the person so entitled in possession.

## **13A. Benami Transactions Intended To Evade The Provisions Of The Act To Be Void :-**

(1) When a sale, exchange, gift, will, mortgage, lease or farm purports to be made either before or after the commencement of the Punjab Alienation of Land (Second Amendment) Act, 1938, by a member of an agricultural tribe to a member of the same agricultural tribe or of a tribe in the same group, but the effect of the transaction is to pass the beneficial interest to a person who is not a member of the same tribe or of a tribe in the same group, the transaction shall be void for all purposes, and the alienor shall be entitled to possession of the land so alienated, notwithstanding the fact that he may have himself intended to evade the provisions of this Act.

Explanation- Any alienation made in consequence of a transaction rendered void by this sub-section shall also be deemed void for all purposes.

(2) If the [87][Collector] either of his own motion or on the application of the alienor, is satisfied after making such enquiries as may be prescribed from the parties concerned, and recording evidence that an alienation is void under the

provisions of the preceding sub-section he shall, by order in writing, after recording his reasons, eject any person in occupation of the land under such sale, exchange, gift, will, mortgage, lease or farm and place the alienor in possession:

Provided that the [88][Collector] may, in ordering the ejectment of a person who is a bona fide transferee for consideration before the 20th June, 1938, and is in occupation of such land, allow to any such person, other than the original transferee, compensation for improvements (as defined in section 4 of the Punjab Tenancy Act, 1887[89], effected by him while in occupation, up to a sum not exceeding in value the consideration for the original transaction. Such compensation shall be assessed by the [90][Collector] on such principles as may be prescribed, and shall be deposited by the alienor, and paid to the persons so ejected, in such manner as may be prescribed.

(3) For the purpose of enforcing an order under sub-section (2) the [91][Collector] may exercise all the powers of a Civil Court conferred by Order 21, Rules 97 and 98 of the Code of Civil Procedure.

### **13B. Appeals :-**

An appeal shall lie from any order passed, whether in original or on review by a [92][Collector] under section 4 or section 13-A, as follows, namely:-

(a) to the [93][Commissioner] when the order is passed by the [94][Collector];

(b) to the [95][Board of Revenue] when the order is passed by the [96][Commissioner] [97][only on a point of law].

### **13C. Revision :-**

The [98][Board of Revenue] may at any time call for the record of any proceedings pending before or disposed of by the [99][Collector] under section 4 or section 13-A and shall pass such orders as [100][it] thinks fit:

Provided that [101][it] shall not under this section pass any order reversing or modifying any such order without giving the persons concerned an opportunity of being heard.

### **13D. Limitation For Appeal :-**

The period of limitation for an appeal under section 13-B, shall run from the date of the order appealed against and shall be as follows:-

(a) when the appeal lies to the [102][Commissioner], sixty days,

(b) when the appeal lies to the [103][Board of Revenue], ninety days.

The provisions of section 5 and 12 of the [104][\* \* \*] Limitation Act, 1908, shall apply for the purpose of computing the period of limitation].

### **13E. Bar To Jurisdiction Of Civil Courts :-**

A Civil Court shall not have jurisdiction in any matter of which the [106][Collector] is empowered to dispose under section 13-A or take cognizance of the manner in which he exercises any power vested in him by that section].

## **CHAPTER 4**

## **GENERAL PROVISIONS**

#### **14. Effect Of Permanent Alienation Made Without Sanction**

:-

Any permanent alienation which under section 3 [107][or 3-A] is not to take effect as such until the sanction of a [108][Collector] is given thereto shall, until such sanction is given or if such sanction has been refused, take effect as a usufructuary mortgage in form (a) permitted by section 6 for such term not exceeding twenty years and on such conditions as the [109][Collector] considers to be reasonable.

#### **15. Sanction Of [110][Collector] Required To Certain Alienations Of, Or Charges On, Produce Of Land :-**

Every agreement whereby a member of an agricultural tribe purports to alienate or charge the produce of his land or any part of, or share in, such produce for more than one year shall not take effect for more than one year from the date of the agreement unless the sanction of a [111][Collector] is given thereto, and shall, until such sanction is given or if such sanction is refused, take effect as if it had been made for one year.

Explanation- The produce of land means-

(a) crops and other products of the earth standing or ungathered on the holding;

(b) crops and other products of the earth which have been grown on the land during the past year and have been reaped or gathered.

#### **16. Execution-Sale Of Land Forbidden :-**

(1) No land belonging to a member of an agricultural tribe shall be sold in execution of any decree or order of any civil or revenue court, whether made before or after the commencement of this Act.

[112][(2) Notwithstanding anything contained in any other enactment for the time being in force no land belonging to a member of an agricultural tribe shall, in execution of any decree or order of any civil or revenue court, whether made before or after the enactment of this sub-section, be leased or framed for a period exceeding 20 years or mortgaged except in one of the forms permitted by section 6].

[113][And, if the land is already under lease, farm or mortgage, the period of the lease, farm or mortgage made by the court shall not exceed the period, if any, remaining after the total period of

the existing lease, farm or mortgage is deducted from the period of twenty years:

Provided that the period of any lease, farm or mortgage, made by the owner (a) subsequent to the institution of the proceedings which have led to the decree or order in execution of which the land is being alienated by the court, or (b) within twelve months, previous to the institution of proceedings referred to in (a) above and proved to be of a fraudulent and collusive character, shall not be so deducted].

[114][(2-A) Every lease, farm or mortgage made under sub-section (2) shall be determinable at any time by owner of that land by tendering to the[115][Collector] an amount which shall bear to the amount in consideration for which transfer has been made the same proportion as the unexpired period of transfer bears to the total period for which the transfer has been made.

Explanation- Lease includes a temporary alienation of land in satisfaction of a money decree.

(2-B) The [116][Collector] shall give notice to the parties and after hearing them and recording such evidence as may be produced shall determine the amount to be tendered under sub-section (2-A).

(2-C) When the amount as determined has been deposited with the [117][Collector] he shall make an order that the lease, farm or mortgage be immediately determined; that the owner be put in possession as against the lessee, farmer or mortgagee; and that the amount in deposit be paid to the person entitled.

(2-D) For the purpose of enforcing an order under sub-section (2-C) the [118][Collector] may exercise all the powers of a civil court conferred by Order XXI, Rules 97 and 98 of the Code of Civil Procedure.

(2-E) A Civil Court shall not have jurisdiction in any matter of which the [119][Collector] is empowered to dispose under sub-sections (2-A), (2-B), (2-C) and (2-D) or take cognizance of the manner in which he exercises any power vested in him by these sub-sections.

(2-F) The order of the [120][Collector] shall be subject to appeal or revision in the manner and to the extent prescribed in sections 13-B and 13-C and the period of limitation shall be as laid down in section 13-D].

[121][(3)] Nothing in this section shall affect the right of [122][any Government] to recover arrears of land-revenue, or any dues which are recoverable as arrears of land-revenue, in any manner now permitted by law.

## **17. Registration :-**

Notwithstanding anything in the [123]Indian Registration Act, 1877, or in any rule made under section 59 of that Act,-

(1) an instrument which contravenes any provision of this Act shall not be admitted to registration;

(2) an instrument which records or gives effect to any transaction which requires the sanction of a [124][Collector] shall not be admitted to registration until a certified copy of the order giving such sanction is produced to the officer empowered to register such instrument.

## **18. Record-Of-Rights And Annual Record :-**

(1) Where, by reason of any transaction which under this Act requires the sanction of a [125][Collector], a person claims to have acquired a right the acquisition whereof he is bound to report under section [126][42] of the Punjab Land Revenue Act, [127][1967 (XVII of 1967)], such person shall, in making his report, state whether the sanction required has been obtained or not, and his right so acquired shall not be entered in the record-of-rights or in any annual record until he produces such evidence of the order by which such sanction is given as may be required by any rules made under this Act.

(2) No right claimed by reason of any transaction or condition which is declared by this Act to be null and void shall be entered in the record-of-rights or in any[128][periodical] record.

## **19. Application Of Certain Provisions Of The Punjab Land Revenue Act, [1967 (Xvii Of 1967)] :-**

Subject to the provisions of this Act, the provisions of Chapter [130][III] of the Punjab Land Revenue Act, [131][1967 (XVII of 1967)], shall, in so far as they are applicable, apply to the proceedings of Revenue Officer under this Act.

## **20. Appearance Of Legal Practitioners Forbidden :-**

No legal practitioner shall appear on behalf of any party interested in any proceeding before a Revenue Officer under this Act.

Explanation- The term "legal practitioner" includes a mukhtar.

## **21. Jurisdiction Of Civil Courts Excluded :-**

(1) A Civil Court shall not have jurisdiction in any matter which the [132][Provincial Government] or a Revenue Officer is empowered by this Act to dispose of.

(2) No Civil Court shall take cognizance of the manner in which the [133][Provincial Government] or any Revenue Officer exercises any power vested in it or in him by or under this Act.

[134][21-A. Civil Court to send copy of decree or order to [135][Collector].- (1) Notwithstanding anything contained in the [136]Code of Civil Procedure or in any other Act for the time being in force, every Civil Court which passes a decree or order involving (1) the permanent alienation of his land by a member of an agricultural tribe, or (2) the mortgage by a member of an agricultural tribe of his land when the mortgagee is not a member of the same tribe or of a tribe in the same group, shall send to the [137][Collector] a copy of such decree or order.

(2) Action to be taken by [138][Collector] when decree or order passed contrary to Act.- When it appears to the [139][Collector] that any Civil Court has either before or after the date when this section comes into operation, passed a decree or order contrary to any of the provisions of this Act, the [140][Collector] may apply for the revision of such decree or order to the Court, if any, to which an appeal would lie from such decree or order or in which an appeal could have been instituted at the time when the decree or order was passed or in any other case to the [141][High Court]. And when the Court finds that such decree or order is contrary to any of the provisions of this Act it shall alter it so as to make it consistent with this Act. Such application shall be made within two months of the date upon which the [142][Collector] is informed of such decree or order.

(3) When any such Appellate Court passes an order, rejecting such application, the [143][Collector] may, within two months after the date upon which he is informed of such order, apply to the [144][High Court] for revision thereof.

(4) Every Civil Court which passes an order on any application made under this section shall forthwith send a copy thereof to the [145][Collector].

(5) No stamp shall be required upon such applications, and the provisions of the Code of Civil Procedure[146], as regards appeals shall apply so far as may be to the procedure of the Court on receipt of such application:

Provided that no appearance by or on behalf of the [147][Collector] shall be deemed necessary for the disposal of the application].

## **22. Section 22 :-**

[Addition to section 77 of Act XVI of 1887]. Repealed by the Repealing Act, 1938 (I of 1938), section 2 and Schedule.

## **23. Exercise Of Powers Of Collector :-**

The powers conferred by this Act upon a [149][Collector] may be exercised by a Revenue Officer of higher rank, or by any officer authorised by the [150][Board of Revenue] in this behalf.

## **24. Exemption :-**

The [151][Board of Revenue] [152][\* \* \*] may, by notification in the [153][Official Gazette], exempt any district or part of a district or any person or class of persons from the operation of this Act or of any of the provisions thereof.

## **25. Power To Make Rules :-**

(1) The [154][Provincial Government] may make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the [155][Provincial Government] may make rules prescribing the Revenue Officers to whom applications may be made, and the manner and form in which such applications shall be made and disposed of.