

## **Malabar Land Registration Act, 1895**

**03 of 1896**

**[31 March 1896]**

### CONTENTS

1. Short title
2. Interpretation clause
3. Proprietor or joint proprietor of an estate may apply for registration within specified time
4. Collector to fix the date before which proprietor may apply for registration. Proviso
5. Publication of date fixed by the Collector
6. Collector empowered to cause survey and demarcation of estate
7. Registration in the case of estates belonging to joint proprietors or to a religious or charitable foundation
8. Procedure in inquiries under section 6
9. Notice of the registration to be given in certain cases
10. Registration subject to revision by collector and modification by civil court
11. Collector to furnish copies of the record on payment of fees
12. Saving of certain provisions of Regulation XXVI of 1802
13. Registered proprietor to be deemed the landholder for the purposes of Madras Revenue Recovery Act
14. Joint registration of occupants and proprietors permissible in certain cases
15. Recovery of arrear of revenue from occupants jointly registered with proprietors
16. Jurisdiction of Civil Courts barred
17. Payment of Costs
18. Order of District Collector final
19. Saving clause
20. The Board of Revenue may make rules
21. Power to suspend operation of Act
22. Delegation of powers

## **Malabar Land Registration Act, 1895**

**03 of 1896**

**[31 March 1896]**

### PREAMBLE

An Act to make better provision for the registration of proprietors of

estates subject to the payment of revenue direct to Government<sup>2</sup>[in certain areas in the Nilgiri district].

Whereas Regulation XXVI of 1802\* provides that landed property paying revenue to Government shall be registered by the Collector; and whereas such landed property<sup>2</sup>[in certain areas in the Nilgiri district] has in many cases not been registered in the names of the proprietors thereof; and whereas it is desirable for the security of the public revenue to provide a summary means whereby the Collector may ascertain such proprietors; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Supplement, dated 15th October 1895, P. 3; for Report of the Select Committee, see *ibid*, dated 19th November 1895, P 1; for Proceedings in Council see *ibid*, dated 3rd December 1895, p. 7 and (sic) dated 7th January 1896 P-9.

2. The words " and Certain neighbouring areas in the State of Madras " were substituted for the words "and the Wynaad" by section 45 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951) and the words " in certain areas in the Nilgiri district " were substituted for the words " in Malabar and certain neighbouring areas in the State of Madras." by the Madras Adaptation of Laws Order, 1957. The above Act came into force on the 15th March 1952.

\*. The Madras Land Registration Regulation, 1802.

### **1. Short title :-**

(1) This Act may be called the Malabar Land Registration Act, 1895.  
Extent

<sup>1</sup>[ (2) It extends to that portion of the Nilgiri district which is known as South-East Wynaad and to the Gudalur taluk of that district (excluding South-East Wynaad):

Provided that it shall come into force in the Gudalur taluk aforesaid (excluding South-East Wynaad) only on the date on which the Malabar Tenancy Act, 1929, comes into force in that taluk.]

1. This sub-section was substituted by the Madras Adaptation of Laws Order, 1957, for the original sub-section as amended by the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), which came into force on the 15th March 1952.

### **2. Interpretation clause :-**

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

"Estate."

" estate " means any land which is subject either now or prospectively to separate assessment to land-revenue payable direct to Government:

"Registered."

"registered " means registered in the public registers maintained by the Collector in accordance with the provisions of Regulation XXVI of 1802\*.

\* The Madras Land Registration Regulation, 1802.

### **3. Proprietor or joint proprietor of an estate may apply for registration within specified time :-**

Within such time as the District Collector may fix as hereinafter provided, any person who is or claims to be the proprietor or joint proprietor of an estate and whose name is not already registered, or any other person having authority to act on his behalf, may make application to the District Collector or to an officer empowered by him to receive such application for registration as proprietor or joint proprietor of the estate.

### **4. Collector to fix the date before which proprietor may apply for registration. Proviso :-**

The District Collector shall fix for each taluk or such other local area as he may deem fit the date before which the proprietors of the estates situated therein may under the last preceding section apply to have their names registered, and may at any time alter any date so fixed:

Provided that such date or altered date shall not be less than two months or more than four months from the date of the publication of the same in the District Gazette.

### **5. Publication of date fixed by the Collector :-**

Every date fixed as provided in the last preceding section shall be notified in the Fort St. George and District Gazettes, and by notices to be posted up at the office of the District Collector at the offices of the Eevenue Divisional Officer, District Munsif, Tahsildar, Deputy Tahsildar and Sub-Registrar of Assurances within whose local

jurisdiction the local area to which the date applies is situated, and at all police-stations and amshom kachahris within such local area; and shall also be proclaimed by beat of drum within the local area to which the date applies:

Irregularity in publication not to affect validity of proceedings  
Collector to ascertain by summary inquiry the person to be registered.

Provided that no irregularity or omission in the publication of the notices or in the proclamation referred to in this section shall effect the validity of any proceedings under this Act.

#### **6. Collector empowered to cause survey and demarcation of estate :-**

As soon as conveniently may be after the date so fixed, the Collector shall, on a day and at a place to be previously notified in the District Gazette whether or not an application for registration under the preceding sections has been made, and whether or not there is any dispute as to the entry to be made in the register, ascertain and determine by such summary inquiry as he thinks fit, in respect of every estate to which the date applies, the person who, in his opinion, is entitled to be registered as proprietor thereof and shall register him accordingly; and, if any such estate shall not previously have been separately surveyed or demarcated, may cause it to be so surveyed or demarcated, or both.

#### **7. Registration in the case of estates belonging to joint proprietors or to a religious or charitable foundation :-**

In the case of an estate belonging to joint proprietors who are members of a joint family or to a religious or charitable foundation, the estate shall be registered in the name of the managing member for the time being of such family or of the trustee, manager or superintendent for the time being of such foundation, as the case may be, who shall be described in the register as such managing member, trustee, manager or superintendent, and such registration shall be as effectual and valid as if made in the names of all the joint proprietors or of all the persons interested in such foundation.

#### **8. Procedure in inquiries under section 6 :-**

In any inquiry under section 6 the Collector shall hear any party to a dispute who attends on the day-notified or on the day to which

the inquiry may be adjourned, and shall receive such evidence as he may see fit; and in the case of a dispute he shall record the nature of the dispute, this decision thereon, the grounds of the decision and such other particulars as he thinks fit.

**9. Notice of the registration to be given in certain cases :-**

(1) If the person registered under section 6 or section 7 has not made an application under section 3, the Collector shall give him notice of the registration by the publication of the fact in the District Gazette and also, if his address is known, by letter sent by post registered.

Procedure when the person registered objects to the registration on receipt of such notice.

(2) If any person to whom notice has been given under this section objects to such registration, he may apply to the Collector within two months of the date of the publication of such notice in the District Gazette or within one month of the receipt of the registered letter containing such notice, whichever is later, to have his name removed from the register, and the Collector shall thereupon consider his objections and shall either remove his name from the register or direct its retention therein as he may see fit; in the former case the Collector shall proceed under section 6, as if no such registration had been made.

**10. Registration subject to revision by collector and modification by civil court :-**

Every registration purporting to be made in accordance with the procedure prescribed by this Act--

(i) may be revised by the Collector on application made within three months, and

(ii) shall be subject to any decree or order which may be passed by any Civil Court of competent jurisdiction: Provided that in any suit to set aside or modify such registration or in any appeal in such suit, in which suit or appeal an order or decree is passed ex parte against the 1[Government] or against the Collector, neither the 1[Government] nor the Collector shall be made liable in costs.

1. The word " Crown " was substituted for the words " Secretary of State for India in Council" by the Adaptation Order of 1937 and the word "Government " was substituted for " Crown " by the Adaptation Order of 1950-.

**11. Collector to furnish copies of the record on payment of fees :-**

On payment of the prescribed fees, the Collector shall furnish to any person who may apply for the same copies of the record of every inquiry held under this Act and of every order and entry made thereunder or under Regulation XXVI of 1802.

**12. Saving of certain provisions of Regulation XXVI of 1802 :-**

Nothing in this Act shall be deemed to affect the provisions of Regulation XXVI of 1802\* in respect of the mutation in the register kept by the Collector under that Regulation of the name of the proprietor registered in accordance with the provisions of this Act when a transfer of the proprietary interest in any estate takes place, whether by purchase, inheritance, gift or otherwise.

\*. The Madras Land Registration Regulation, 1802.

**13. Registered proprietor to be deemed the landholder for the purposes of Madras Revenue Recovery Act :-**

Every person registered as proprietor of an estate shall be deemed to be the landholder in respect of such estate within the meaning and for the purposes of the Madras Revenue Recovery Act II of 1864, and no proceedings taken under the said Act against such person or against any land registered in his name shall be deemed invalid or ineffectual by reason of any error in such registration or on the ground that such person was not the real or sole proprietor.

**14. Joint registration of occupants and proprietors permissible in certain cases :-**

<sup>1</sup>[Notwithstanding anything contained in this Act or in Regulation XXVI of 1802,\* the Collector may, on the application of the registered proprietor of an estate or of any person entitled to occupy such estate, register as occupant jointly with such proprietor (i) any person who is entitled

<sup>2</sup>[ ]

to occupy such estate or (ii) any person who is bound by a contract with the proprietor or his predecessor in title to pay to Government the land revenue assessment on such estate. Provided that before

ordering joint registration as aforesaid the Collector shall give notice to the proprietor or to the person entitled to occupy, as the case may be, and consider his objections. <sup>3</sup>(Every joint registration made under this section shall remain in force so long as the occupancy continues.)]

1. Section 14 was substituted for the original section by section 2 of the Malabar Land Registration (Amendment) Act, 1920 (Madras Act I of 1920).

2. The words " by virtue of any contract with the proprietor or his predecessor in title % were omitted by section 45 (iii) of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), which came into force on the 15th March 1952.

3. The words within brackets were substituted for the words " The Collector shall state in his order the period for which such joint registration shall be in force, which period shall not extend beyond the date of the termination of the contract referred to in this section " by section 2 of the Malabar Land Registration (Amendment) Act, 1934 (Madras Act II of 1935).

\*. The Madras Land Registration Regulation, 1802.

### **15. Recovery of arrear of revenue from occupants jointly registered with proprietors :-**

In every case in which an occupant of an estate has been registered under the last preceding section and an arrear of revenue has accrued due in respect of such estate subsequent to such registration, the Collector may take proceedings in the first instance against such occupant under the provisions of the Madras Revenue Recovery Act II of 1864, in so, far as they relate to the seizure, attachment and sale of movable property or of the crops or ungathered products of land on winch an arrear is due:

Provisos

Provided that nothing herein contained shall debar the proprietor from recovering by suit from such occupant the arrear of revenue or portion thereof which, owing to the default of such occupant, has been paid by, or recovered from, him:

Provided further that nothing contained in this section shall be deemed to affect the power of the Collector to recover from the registered proprietor of such estate under any or all of the provisions of the said Act any arrear of revenue which may be due

on such estate or on any other estate registered in the name of such proprietor.

**16. Jurisdiction of Civil Courts barred :-**

Except as otherwise provided by this Act, no Civil Court shall have jurisdiction in any matter which the Collector is empowered by or under this Act to dispose of or shall take cognizance of the manner in which the Collector exercises any powers vested in him by or under this Act.

**17. Payment of Costs :-**

All costs of any inquiry or proceeding held before, or any survey or demarcation directed by, the Collector under this Act shall be payable by the parties concerned, and the Collector may pass such orders as he shall think fit in respect of the payment of such costs; and in the event of such costs not being paid on demand may recover the amount thereof in the same manner as if it were an arrear of land-revenue, and pay the sum so recovered to the person entitled to receive it.

**18. Order of District Collector final :-**

Notwithstanding anything contained in Regulations I and II of 1803, <sup>1</sup>[ ] no appeal shall lie to the Board of Revenue from any order made by the District Collector under this Act.

1. The words " of the Madras Code ", were omitted by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

**19. Saving clause :-**

Subject to the provisions of section 13, nothing contained in this Act and, nothing done in accordance with this Act shall be doomed to--

(a) preclude the Government or any person from bringing a regular suit for possession of, or for a declaration of right to, any immovable property to which the Government or such person may deem itself, or himself entitled; or

(b) render registration under this Act an admission on the part of the Government of the right of the person in whose name such estate may be registered or an admission of the validity of the title



under which the estate is hold; or

(c) affect the rights of the Government or of any person in respect of any estate or of any interest therein.

## **20. The Board of Revenue may make rules :-**

The Board of Revenue may, after previous publication, make subsidiary rules for the carrying out of the purposes of this Act, and may prescribe the fees, if any, to be paid for the service of summonses issued under Madras Act III of 1869<sup>1</sup> in connection with inquiries and proceedings under this Act.

1. The Madras Revenue Summonses Act, 1869.

## **21. Power to suspend operation of Act :-**

The <sup>1</sup>[State Government] may, by notification, suspend the operation of this Act in any specified portion of the districts to which it applies, and may, by subsequent notification, bring it again into operation.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial " by the Adaptation Order of 1950.

## **22. Delegation of powers :-**

<sup>2</sup>[The <sup>1</sup>(State Government) may, by notification, empower any officer to exercise all or any of the powers of a Collector under this Act.]

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial " by the Adaptation Order of 1950.

2. Section 22 was added by section 3 of Madras Act I of 1920.