



The Pondicherry Survey and Boundaries Act, 1967

Act 8 of 1967

Keyword(s):

Collector, Controller, Registered Holder, Revenue Officer, Survey, Survey Mark, Village Headman

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE PONDICHERRY SURVEY AND BOUNDARIES
ACT, 1967**

No. 8 of 1967)

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Government to appoint survey officers.

CHAPTER II

SURVEY OF LANDS

4. Government may direct the survey of land or of any boundary of such land.

5. Notification to be published by survey officers.
6. Survey Officer to carry out the survey in the prescribed manner.
7. Cost to be charged to persons interested in the lands surveyed.
8. Power of survey officer to determine and record an undisputed boundary.
9. Power of survey officer to determine and record a disputed boundary.
10. Appeals against orders under section 8 or 9.
11. Completion of demarcation to be notified.
12. Institution of a suit in civil court within three years to establish rights claimed in respect of the boundary of the property surveyed.
13. Registered holders responsible for the maintenance of survey marks.
14. Duties of village officers.

CHAPTER III

LAND RECORDS

15. Preparation of record of rights.
16. Publication of the record of rights.
17. Jurisdiction of civil courts to decide disputes.

18. Correction of bona fide mistake in register.
19. Register of mutations.
20. Penalty for neglect to afford information.
21. Assistance in preparation of maps.
22. Certified copies.
23. Maps and other records open to inspection.

CHAPTER IV

MISCELLANEOUS

24. Power to enter upon, examine and clear obstruction on lands.
25. Power to summon witnesses and require production of documents.
26. Reference to arbitration.
27. Registered holder may recover expenses paid by him from the owner of the land may acquire a charge upon the land to that extent.
28. Power to make rules.
29. Protection of action taken.
30. Power to remove difficulties.
31. Repeal and saving.

THE PONDICHERRY SURVEY AND BOUNDARIES

ACT, 1967

(No. 8 of 1967)

31st December, 1967.

AN ACT

to amend the law relating to survey of land and settlement of boundary disputes in the Union territory of Pondicherry.

BE it enacted by the Legislative Assembly of Pondicherry in the Eighteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Pondicherry Survey and Boundaries Act, 1967.

(2) It extends to the whole of the Union territory of Pondicherry.

1] (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) 'Collector' means any officer appointed by the Government to exercise and perform all or any of the powers and functions of a Collector under this Act;

1. The Act came into force from 1st March, 1968.

(b) 'Controller' means an officer of the Contributions Department competent to assess all direct and indirect taxes ;

(c) 'Government' means the Administrator appointed by the President under article 239 of the Constitution ;

(d) 'prescribe' means prescribed by rules framed under this Act ;

(e) 'Registered holder' of any land means the person in whose name the land in question is registered in the Government accounts of the village :

Provided that when any person other than the registered holder is in lawful management of land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such land ;

(f) 'Registered holder' in case of joint registration means where the land is registered in the names of two or more persons jointly, the person who is recognised by the other joint holders as the manager or who, in case of disputes, is recognised by the Collector as senior joint holder ;

(g) 'Revenue Officer' means any officer appointed by Government in this behalf and includes all officers of the Contributions Department not below the rank of Karnam (Surveillant de Domaine) ;

(h) 'Survey' includes all operations incidental to the determination, measurement and record of a boundary or boundaries, or any part of a boundary and includes a resurvey ;

(i) 'Survey mark' means any mark or object erected, ~~made, employed or specified by a survey officer to indicate~~ or determine or assist in determining the position or level of any point or points ;

(j) 'Survey Officer' means any person appointed to be a survey officer under section 3 ;

(k) 'Union territory' means the Union territory of Pondicherry ;

(l) 'Village Headman' and 'Village Accountant' include "Agent de Recettes" and "Surveillant de Domaine".

Government to appoint survey officers

3. (1) The Government may, by notification, in the Official Gazette, appoint any person either by name or by virtue of his office to be a survey officer for all or any of the purposes of this Act.

(2) Subject to the control of the Government and of any officer or authority appointed by it in this behalf, every person so appointed shall exercise and perform the powers and duties of a survey officer within such local limits and for such periods of time as the Government may direct.

(3) The Government may delegate its powers under sub-sections (1) and (2) to such officer or authority as it thinks fit.

CHAPTER II
SURVEY OF LANDS

**Government may direct the survey of land or of any
boundary of such land**

4. The Government or, subject to the control of the Government, any officer or authority to whom this power may be delegated by it may, by notification, order a survey of any land or of any boundary of such land.

Notification to be published by survey officers

5. (1) When any survey is ordered under section 4, the survey officer shall publish a notification in the prescribed manner inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered to attend either in person or by agent at a specified place and time and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.

(2) A notification published under sub-section (1) shall be held to be a valid notice to every person having any interest in the land or in the boundaries of which the survey has been ordered.

**Survey officer to carry out the survey in the
prescribed manner**

6. The survey officer shall carry out the survey in the prescribed manner.

**Cost to be charged to persons interested
in the lands surveyed**

7. (1) The cost, if any, of the labour employed and of the survey marks used in any survey notified under section 4 shall be determined or apportioned in the prescribed manner among the persons who have any interest in the land or in the boundaries of which the survey has been ordered and shall be recoverable from such persons as an arrear of land revenue under the law for the time being in force in that behalf. Notice of such determination and apportionment shall be given in the prescribed manner to the persons aforesaid.

(2) Any person affected by a decision under sub-section (1) may appeal to the prescribed officer whose decision, with reasons therefor, shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal.

(3) An appeal under sub-section (2) shall be preferred within three months from the date of service of notice under sub-section (1), after excluding the time taken for obtaining a copy of the decision.

(4) Any appeal may be admitted after the period of limitation mentioned in sub-section (3) when the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

Explanation—The fact that notice under sub-section (1) was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of this sub-section.

(5) A copy of the order under sub-section (2) shall be furnished to any person interested in such order on his application and on payment of the prescribed cost.

**Power of survey officer to determine and record
an undisputed boundary**

8. (1) The survey officer shall have power to determine and record as undisputed any boundary in respect of which no dispute is brought to his notice.

(2) Notice of every decision of the survey officer under sub-section (1) shall be given in the prescribed manner to the registered holders of the lands, the boundaries of which may be affected by the decision.

**Power of survey officer to determine and record
a disputed boundary**

9. (1) Where a boundary is disputed, the survey officer, after making such enquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.

(2) Notice of every decision of the survey officer under sub-section (1) shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands, the boundaries of which may be affected by the decision.

Appeals against orders under section 8 or 9

10. (1) Any person affected by a decision under section 8 or 9 may appeal to the prescribed authority. The decision of

the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision, ordered by the appellate authority, shall be noted in the record prepared under section 8 or 9, as the case may be.

(2) A copy of the order and a copy of the map recording the boundaries as determined under section 8, 9 or sub-section (1) of this section shall be furnished to any person interested in such order or map, as the case may be, on his application and on payment of the prescribed cost.

(3) An appeal under sub-section (1) shall be preferred within three months from the date of service of notice under section 8 or 9 :

Provided that in computing the period of limitation the time taken for obtaining a copy of the decision and of the map shall be excluded.

(4) Any appeal may be admitted after the period of limitation mentioned in sub-section (3) when the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the such period.

Explanation.—The fact that notice under section 8 or 9 was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of this sub-section.

(5) No appeal shall be admitted under sub-section (4) after the issue of the notification specified in section 11.

Completion of demarcation to be notified

11. When the survey of any land or boundary which has been notified under section 4 has been completed in accordance with the orders passed under section 8, 9 or 10, the survey officer shall notify the fact in the Official Gazette and a copy of such notification shall be pasted in the village chavadi, if any, of the village to which the survey relates; unless the survey so notified is modified by a decree of a civil court under the provisions of section 12, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

Institution of a suit in civil court within three years to establish rights claimed in respect of the boundary of the property surveyed

12. (1) Any person aggrieved by the determination of any boundary under section 8, 9 or 10 may, subject to the provisions of parts II and III of the Limitation Act, 1963 (No. 36 of 1963), institute a suit within three years from the date of the notification under section 11 to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record.

(2) The plaintiff in such suit shall join as parties to it all persons whom he has reason to believe to be interested in the boundary which is the subject of the suit.

**Registered holders responsible for the
maintenance of survey marks**

13. (1) Subject to such conditions as may be prescribed in this behalf, every registered holder of land shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his holding and in default of his doing so the survey officer or the Collector may, at the cost of the Government, maintain, renew and repair such survey marks determine and apportion the cost of so doing, and recover such cost as an arrear of land revenue. Such cost may include the cost of all operations incidental to such renewal or repair but not any charges on account of survey officers and supervising establishment.

(2) Before a survey officer or Collector maintains, renews or repairs any survey marks, he shall serve a notice in writing on the registered holder in the prescribed manner giving particulars of the survey marks in respect of which default has been committed and calling upon him to maintain, renew or repair the same within the time to be specified in such notice which shall be not less than 15 days from the date of service thereof.

(3) If the notice under sub-section (2) cannot be served personally on the registered holder, a copy of the same shall be served also on the cultivator or other person interested in the land.

Duties of village officers

14. It shall be the duty of every village headman and of every village accountant—

(i) to prevent the destruction, injury, removal or alteration of any survey mark on or within the limits of his jurisdiction; and

(ii) when he becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the prescribed officer.

CHAPTER III

LAND RECORDS

Preparation of record of rights

15. The Government may direct the survey officer to prepare a record of rights for each village showing the area of each survey number and other particulars and any other record or register, in accordance with the rules made under this Act.

Publication of the record of rights

16. (1) When a record of rights has been prepared, the survey officer shall publish a draft of the record in such manner and for such period as may be prescribed and shall receive and consider any objections which may be made during the period of such publication, to any entry therein or to any omission therefrom.

(2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the survey officer shall cause the record to be finally published in the prescribed manner.

(3) Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct.

Jurisdiction of Civil Courts to decide disputes

17. The Civil Courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right or entry which is recorded in the record of rights.

Correction of bona fide mistake in register

18. The survey officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct any entry in such record which he is satisfied has been made owing to a bona fide mistake.

Register of mutations ...

19. (1) There shall be maintained for every village a register of mutations in such form as may be prescribed.

(2) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land, or, where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report his acquisition of such right to the village accountant within three months from the date of such acquisition and the village accountant shall give at once a written acknowledgment in the prescribed form for such report to the person making it.

(3) The village accountant shall enter the substance of every report made to him under sub-section (2) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (2) which he has reason to believe to have taken place and of which a report has not been made under the said sub-section and, at the same time, shall post up a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom he has reason to believe to be interested therein.

(4) Should any objection to an entry made under sub-section (3) in the register of mutations be made either orally or in writing to the village accountant, he shall enter the particulars of the objection in the register of disputed cases and shall at once give a written acknowledgment in the prescribed form for the objection to the person making it.

(5) The objections made under sub-section (4) shall be decided on the basis of possession by such officer as may be prescribed in this behalf and orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officer as may be prescribed in this behalf.

(6) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

Penalty for neglect to afford information

20. The Collector may, if he is of opinion that any person has wilfully neglected to make the report required by section 19 within the prescribed period, impose on such person a penalty not exceeding twenty-five rupees.

Assistance in preparation of maps

21. Subject to rules made under this Act,—

(a) any revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of the survey officer except the power of assessing the cost of hired labour, and

(b) any revenue officer not below the rank of Controller may assess the cost of the preparation or revision of such maps or plans and all expenses incidental thereto, and such costs and expenses shall be recoverable in the same manner as an arrear of land revenue.

Certified copies

22. Certified copies of entries in the record of rights may be granted by such officers and on payment of such fees as may be prescribed.

Maps and other records open to inspection

23. Subject to such rules and on payment of such fees, if any, as may be prescribed, all maps and land records shall be

open to inspection by the public during office hours, and certified extract therefrom or certified copies thereof may be given to all persons applying for the same.

CHAPTER IV

MISCELLANEOUS

Power to enter upon, examine and clear obstruction on lands

24. For the purposes of any survey, inquiry or other proceedings under this Act, the survey officer or the Collector or any of the subordinates of such officers shall have power to enter upon, examine and measure any land under survey, to carry out inspection of current land utilisation and crops and to clear by cutting down or removing any trees, jungle fences, standing crops or other material obstructions, the boundaries or other lines the clearance of which may be necessary for the purposes of the survey.

Power to summon witnesses and require production of documents

25. Any survey officer generally or specially authorised in that behalf, or the Collector or any officer to whom an appeal is preferred under any of the provisions of this Act, may for the purpose of rendering assistance in the survey of any land, summon and enforce the attendance of any person who has an interest therein and may for the purposes of any survey, inquiry or other proceedings under this Act, summon and enforce the attendance of any person for giving evidence and

for the production of documents and the procedure prescribed in the law relating to civil procedure for the time being in force in that behalf shall be followed as far as it can be applicable.

Reference to arbitration

26. (1) The Collector or the survey officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

(2) The decision of the Collector or the survey officer passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them.

Registered holder may recover expenses paid by him from the owner of the land may acquire a charge upon the land to that extent

27. (1) In the absence of a contract to the contrary, a registered holder of land under survey who incurs any expenses or from whom any expenses are recovered under this Act, in respect of such survey, shall, if he be not the owner thereof, acquire the charge on such land to the extent of the expenses so incurred or recovered from him with interest thereon at the rate of 9 per cent per annum.

(2) It shall be lawful for any person claiming an interest in land under survey to pay the charges payable under this Act in respect of the survey of such land, though he be not the registered holder thereof; and all such sums, if paid by a tenant or lessee, may be deducted from any rent then or afterwards due by him in respect of such land and if paid by any

other person interested or bona fide claiming an interest in the land, shall be a charge upon such land. Such sums shall bear interest at 9 per cent per annum.

(3) Where a person entitled under this section to a charge on land is a co-owner of such land, such charge shall extend only to so much of the amount recovered from or expended or paid by him as is due in respect of the share of the other co-owners in such land with interest at the rate aforesaid.

Power to make rules

28. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the unit of survey, the sub-divisions thereof and the description of the survey marks; and the maintenance, renewal and repair of such marks;

(b) the collection and record of any information in respect of any land which has been or is about to be surveyed;

(c) the classes of officers to be appointed and the powers to be exercised by such officers;

(d) the procedure to be followed by these officers in the conduct of proceedings;

(e) the publication of all notifications, the form, issue and service of all orders, communications and notices to be issued, communicated, given or served ;

(f) furnishing of survey marks, labour and other matters necessary to surveys and the recovery of charges incidental thereto where they are recoverable ;

(g) the apportionment of all charges, directed to be apportioned by this Act and for the determination of the cost of labour employed and of the survey marks used in any such survey ;

(h) the fees payable for processes issued and copies granted ;

1 [(i) *** ***)

(j) *** ***)

(k) *** ***)

(l) the manner in which arbitrators are to be appointed and the procedure to be followed by them ; and

(m) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which

1. Omitted by Act 8 of 1978, section 2, w.e.f. 31-5-1978.

it is so laid or the session immediately following, the Assembly makes any modifications in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Protection of action taken

29. No suit or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Power to remove difficulties

30. If any difficulties arises in giving effect to the provisions of this Act, the Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty in so far as it is not inconsistent with the provisions of this Act.

Repeal and saving

31. All laws in force in the Union territory corresponding to the provisions of this Act shall stand repealed as from the commencement of this Act:

Provided that anything done or any action taken, including any notification, instruction or direction issued under the law so repealed, shall be deemed to have been done or taken under

the provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.