



The Madras Survey and Boundaries Act, 1923

Act 8 of 1923

Keyword(s):

Estate, Proprietor, Registered Holder, Survey, Survey Mark, Survey Officer, Village Headman, Village Officer, Survey of Land, Settlement of Boundary Disputes

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THE TAMIL NADU SURVEY AND BOUNDARIES ACT, 1923.

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[TAMIL NADU] ACT NO. VIII OF 1923¹.

[THE [TAMIL NADU] SURVEY AND BOUNDARIES ACT, 1923.]

[Received the assent of the Governor on the 21st February 1923 and that of the Governor-General on the 12th March 1923; the assent of the Governor-General was first published in the Fort St. George Gazette of the 29th May 1923.]

An Act to amend the law relating to survey of lands and settlement of boundary disputes.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to survey of lands and settlement of boundary disputes and whereas the previous sanction of the Governor-General has been obtained under section 80-A (3) of the Government of India Act; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title.

1. (1) This Act may be called 'the [Tamil Nadu] Survey and Boundaries Act, 1923.'

Local extent.

(2) It extends to the whole of the ³[State of Tamil Nadu].

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see Part IV of the Fort St. George Gazette, dated the 1st February 1921, page 374; for Proceedings in Council, see Proceedings of the Madras Legislative Council, Volume I, pages 72-84; Volume II, pages 72-74; Volume IX, pages 565-566; Volume X, pages 1076-1096, 1108-1149 and 1179-1220; and Volume XI, pages 1384-1395.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended with modification to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 9 (2) of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957), repealing the corresponding law in force in that territory.

All doubts as to the validity of this Act have been removed by the Tamil Nadu Survey and Boundaries Act, 1923 (Validation) Act, 1924 (Tamil Nadu Act II of 1925).

³ This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

2. The Madras Survey and Boundaries Act, 1897, Repeal. is hereby repealed.

3. In this Act, unless there is something repugnant in the subject or context,—

Interpretation clause.

(i) 'Estate' means—

'Estate.'

(a) any permanently-settled estate whether a *Zamindari*, *jaghir*, *mitta* or *palaiyam* ;

(b) any portion of such permanently-settled estate which has been separately registered in the office of the Collector ;

(c) any unsettled *palaiyam* or *jaghir* ;

(d) any inam village of which the grant was made or has been confirmed by the British Government ;

(e) any portion, consisting of one or more villages of any of the estates specified above in clauses (a), (b) and (c), which is held on a permanent under-tenure.

(ii) 'Government land' means any land not forming an estate or any portion thereof.

'Government land.'

(iii) 'Prescribe' means prescribed by rules framed under this Act.

'Prescribe.'

(iv) 'Proprietor' means any person in whose name any estate is for the time being registered in the office of the Collector of the district wherein the estate is situated, and, in respect of an estate specified in clause (e) of sub-section (i), the holder thereof.

'Proprietor.'

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

'Registered holder.'

Provided that when any person other than the registered holder is in lawful management of Government 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 Government land.

'Proprietor' or 'Registered holder' in case of joint registration. (vi) Where an estate or Government land is so registered in the names of two or more persons jointly, the 'proprietor' or 'registered holder', as the case may be, shall, for the purposes of this Act, be the person who is recognized by the other joint holders as the manager of the estate or who, in case of dispute, is recognized by the Collector as senior joint holder.

'Survey.' (vii) '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.

'Survey mark.' (viii) '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.

Survey officer.' (ix) 'Survey officer' means any person appointed to be a survey officer under section 4.

Village headman, Village accountant.' [(x) 'Village headman' and 'village accountant' in relation to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district respectively include, 'village officer' and 'village assistant'.]

State Government to appoint survey officers. 4. (1) The [State Government] may by notification 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.

¹This clause was inserted by section 9 (2) of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957). (Although section 9 (2) aforesaid directs this clause to be added to section 2, the addition has been made to section 3 as the reference to section 2 is a mistake.) In so far as this Act applies to the added territories, this clause was added by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

²The 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) Subject to the control of the ¹[State 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 ¹[State Government] may direct.

State Government to prescribe jurisdiction of survey officer.

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

State Government may delegate powers of control.

CHAPTER II.

THE SURVEY OF GOVERNMENT LANDS.

5. The ¹[State Government] or, subject to the control of the ¹[State Government], any officer or authority to whom this power may be delegated by it may by notification order a survey of any Government land or of any boundary of such land or of the boundary forming the common limit of Government land and land that is not Government land.

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

6. (1) When any survey is ordered under section 5, 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 connexion 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.

Such notification to be valid notice to persons interested.

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

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

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,

Cost to be charged to person interested in the lands surveyed.

8. ¹[(1)] The cost, if any, of the labour employed and of the survey marks used in any survey notified under section 5 shall be determined and 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. Notice of such determination and apportionment shall be given in the prescribed manner to the persons aforesaid.

¹[(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 to obtain a copy of the decision :

Provided that the appellate authority may admit an appeal after the expiry of the said period on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within that 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 the above proviso.

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

power of survey officer to determine and record an undisputed boundary.

9. (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.

¹ Section 8 was renumbered as sub-section (1) of that section and sub-sections (2) to (4) were added by section 2 of the Madras Survey and Boundaries (Amendment) Act, 1952 (Madras Act X of 1952).

(2) Notice of every decision of the survey officer under section 9 (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.

Notice to registered holders of lands affected.

10. (1) Where a boundary is disputed, the survey officer, after making such inquiry 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.

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

(2) Notice of every decision of the survey officer under section 10 (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.

Notice to parties to the dispute and to registered holders of land affected.

11. (1) Any person affected by a decision under [section 9 or 10] may appeal to the prescribed officer. 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 9 or 10, as the case may be.

Appeals against orders under section 9 or 10.

(2) ² [A copy of the order and a copy of the map recording the boundaries as determined under section 9, 10 or 11 (1) shall be furnished to any person interested in such order or map] as the case may be on his application and at his cost.

¹ These words and figures were substituted for the words and figures "sections 9 or 10" by section 3 of the Madras Survey and Boundaries (Amendment) Act, 1952 (Madras Act X of 1952).

² These words, figures and brackets were substituted for the words, figures and brackets "A copy of the order under section 10 or 11 (1) and a copy of the order regarding the boundaries as determined under section 9, 10 or 11 (1) shall be furnished to any person interested in such orders" by section 3 of the Tamil Nadu Survey and Boundaries Act, 1923 (Validation) Act, 1924 (Tamil Nadu Act II of 1925).

Period within which appeal should be preferred

12. (a) An appeal under section 11 shall be preferred within three months from the date of service of notice under [section 9 or 10] provided that the time taken to obtain a copy of the decision and of the map shall not be included in the period of three months allowed for appeal.

Proviso.

(b) No appeal preferred after the expiry of the said period shall be admitted, provided that the appellate authority may admit an appeal after the expiry of the said period on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period.

Explanation.—The fact that notice under [section 9 or 10] was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of the above proviso.

(c) No appeal shall be admitted under sub-section (b) after the issue of the notification specified in section 13.

Completion of demarcation to be notified.

13. When the survey of any land or boundary which has been notified under section 5 has been completed in accordance with the orders passed under section 9, 10 or 11, the survey officer shall notify the fact in the district gazette and a copy of such notification shall be posted 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 14, 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.

14. Any person deeming himself aggrieved by the determination of any boundary under section 9, 10 or 11 may, subject to the provisions of Parts II and III of the Indian Limitation Act, 1908*, institute a suit within three years from the date of the notification under

Central Act XI of 1908.

* These words and figures were substituted for the words and figures "sections 9 or 10" by section 3 of the Madras Survey and Boundaries (Amendment) Act, 1952 (Madras Act X of 1952).

* See now the Limitation Act, 1963 (Central Act 36 of 1963).

section 13 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.

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.

15. (1) Subject to such conditions as may be prescribed in this behalf, every registered holder of Government land shall be bound to less 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 ¹[State 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.

Registered holders responsible for the maintenance of survey marks.

(2) Before a survey officer or Collector maintains, repairs 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 a time to be specified in such notice which shall be not less than 15 days from the date of service thereof.

Notice to the registered holder.

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 the word "Provincial" by the Adaptation Order of 1950.

Notice to cultivator or other person interested.

(3) If the notice under ¹[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.

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

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

(b) 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.

THE SURVEY OF ESTATES.

State Government may direct the survey of an estate in certain cases.

17. The ²[State Government], or subject to the control of the ²[State Government], any officer or authority to whom this power may be delegated by it, may by notification direct the survey of any estate or portion of an estate or of any boundary therein—

(a) on the application in writing of the proprietor of such estate or, in the case of a boundary, of any person interested therein ; or

(b) without such application whenever in the opinion of the ²[State Government] such survey is necessary—

(i) for the better or more convenient assessment or levy of irrigation cess ;

¹ This word, brackets and figure were substituted for the word, brackets and figure "sub-clause (2)", by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as this Act applies to the added territories, this word, brackets and figure were substituted by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

(ii) for any other reason to be recorded prior to the issue of such notification :

Provided (1) that any person making an application under clause (a) shall forward with his application a statement in writing signed by him to the effect that he will pay the whole cost of the survey and if required will deposit the amount in a Government treasury before the survey is commenced and (2) that any survey commenced under that clause may be stopped on the withdrawal of his application by the applicant unless the ¹[State Government] sees reason to direct the continuance of the survey in virtue of the power conferred on it by clause (b).

18. Except as provided in sections 1n and 20, the conduct of such survey and the proceedings of the survey officer shall, as far as may be, be regulated by the procedure laid down in Chapter II with regard to the survey of Government lands ; and the provisions contained in that chapter in regard to appeals from the orders of a survey officer, the granting of copies thereof and the effect of such orders, and of the decisions passed in appeals therefrom and in regard to the right of suit in respect of such orders and decisions shall, as far as may be, apply to all orders passed by a survey officer under this chapter and to the decisions passed in appeals against such orders. Procedure to be observed during survey.

19. All cost incurred by the ¹[State Government] on account of a survey directed under clause (a) of section 17 shall be recoverable from the persons who have any interest in the estate, portion of estate, or boundary of which the survey has been ordered as an arrear of land revenue ; the cost of a survey directed under clause (b) (i) and (ii) of section 17 shall be borne by the ¹[State Government] unless otherwise provided by any law for the time being in force. Cost of survey recoverable from proprietor.

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 the word " Provincial " by the Adaptation Order of 1950.

State Government may direct apportionment of costs among lands surveyed.

20. (1) On the application of the proprietor of an estate in which any survey has been made, the ¹[State Government] or any officer, or authority to whom this power may be delegated by it, may direct the survey officer to apportion among the holders of the lands or persons interested in the boundaries which have been surveyed the whole or a specified portion of the cost of such survey ; provided that no tenant under a proprietor shall be called upon to pay a larger sum on account of such survey than he would be liable to pay if he held his land directly under the Government.

Apportionment how made.

(2) The apportionment under sub-section (1) shall be made in the prescribed manner.

Cost so apportioned recoverable by proprietor from tenants.

(3) The amount apportioned under this section when it is due by the tenants of a proprietor shall be recoverable as if it were an arrear of rent due by a tenant to his landholder.

(4) For the purpose of this section and section 21, the expression 'tenant' shall include the holder of a rent-free grant.

Consequences ensuing on completion of survey of an estate.

21. When an estate or a portion of an estate or a boundary in an estate has been surveyed in pursuance of a notification issued under section 17, the survey officer shall report the completion of the survey to the District Collector and to the proprietor, and the following consequences shall thereupon ensue :—

Duty of tenants.

(i) Subject to such conditions as may be prescribed in this behalf, every tenant of the land surveyed, and where there is no tenant, the proprietor, 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 Collector may, after giving notice to the tenant or proprietor as the

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 the word "Provincial" by the Adaptation Order of 1950.

case may be in the manner provided in sub-sections (2) and (3) of section 15, at the cost of the ¹[State Government], maintain, renew and repair such survey marks and recover the cost of so doing 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.

(ii) It shall be the duty of the headman and ^{Duties of} accountant of every village the whole or a part ^{village} of which has been surveyed— ^{officers.}

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

(b) when he becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the proprietor of the estate and to the Collector or to such officer subordinate to the Collector as the District Collector may, from time to time, direct.

CHAPTER IV.

MISCELLANEOUS.

22. For the purposes of any survey, inquiry or other proceedings under this Act, the survey officer or the District Collector or any of the subordinates of such officers shall have power to enter upon, examine and measure any land under survey 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 enter upon, examine and clear obstruction on lands.}

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.

Power to
summon wit-
nesses and
require pro-
duction of
documents.

23. Any survey officer generally or specially authorized in that behalf, or the District 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 Code of Civil Procedure for summoning and enforcing the attendance of witnesses and for the recording of evidence shall be followed as far as it can be made applicable.

Reference
to arbitra-
tion.

24. (1) The District 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 District 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.

Proprietor
or registered
holder may
recover ex-
penses paid
by him from
the owner of
the estate or
Government
land and
may acquire
a charge
upon the
land to that
extent.

25. (i) In the absence of a contract to the contrary, a proprietor or registered holder of any estate or Government 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 a charge on such estate or Government 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.

Person
claiming
an interest
may pay
charges
payable by
proprietor or
registered
holder and
acquire a
charge.

(ii) It shall be lawful for any person claiming an interest in an estate or Government land under survey to pay the charges payable under this Act in respect of the survey of such estate or Government land, though he be not the proprietor or 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 estate or Government land and if paid by any other person interested

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

(iii) Where a person entitled under this section to a charge on an estate or Government land is a co-owner of such estate or Government 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 estate or Government land with interest at the rate aforesaid.

Extent of such charges.

26. (1) The ¹[State Government] may, after pre-publication, make rules to carry out the purposes of the Act.

State Government may make rules under the Act.

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

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

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

(c) define the classes of officers to be appointed to do duty under this Act and the powers to be exercised by such officers ;

(d) prescribe and regulate the procedure to be followed by those officers in the conduct of proceedings under this Act ;

(e) provide for the publication of all notifications issued under this Act and for the form, issue and service of all orders, communications and notices to be issued, communicated, given or served 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 the word "Provincial" by the Adaptation Order of 1950.

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

(g) provide for 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) prescribe the fees payable for processes issued and copies granted under this Act ; and

(i) prescribe the manner in which arbitrators are to be appointed and regulate the procedure to be followed by them.

(3) All such rules shall be laid before ¹each of the ²[Houses] of the ³(State) Legislature] for a period of not less than two months while ⁴[that House] is in session.

Immunity for acts done in good faith or purporting to be so done.

27. No suit or other legal proceedings shall lie against any person for anything in good faith done or purporting to be done under this Act.

¹ These words were substituted for the words "the Legislative Council" by the Adaptation Order of 1937.

² This word was substituted for the word "Chambers" by the daptation (Amendment) Order of 1950.

³ This word was substituted for the word "Provincial" by *ibid*

⁴ The words "that Chamber" were substituted for the words "the Council" by the Adaptation Order of 1937 and the word "House" was substituted for "Chamber" by the Adaptation (Amendment) Order of 1950.



TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 486] MADRAS, WEDNESDAY, AUGUST 27, 1986
AAVANI II, ATCHAYA, THIRUVALLUVAR AANDU—1917

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislature received the assent of the President on the 21st August 1986 and is hereby published for general information:—

ACT No. 56 OF 1986.

An Act further to amend the Tamil Nadu Survey and Boundaries Act, 1923.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Survey and Boundaries (Amendment) Act, 1986.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 12, Tamil Nadu Act VIII of 1923.*—In the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923) (hereinafter referred to as the principal Act), in section 12, in clause (a), for the words “three months” in the two places where they occur, the words “one month” shall be substituted.

3. *Insertion of new sections 12-A and 12-B in Tamil Nadu Act VIII of 1923.*—After section 12 of the principal Act, the following sections shall be inserted, namely:—

“12-A. *Second Appeal.*—(1) A second appeal shall lie to such authority as may be prescribed against the orders passed on appeal by the appellate authority under section 11 and the provisions of the said section 11 shall, so far as may be, apply to such appeal.

(2) Every appeal under this section shall be preferred within sixty days from the date of service of notice under sub-section (1) of section 11:

Provided that the prescribed appellate authority may admit an appeal after the expiry of the said period on its being satisfied that the appellant had good and sufficient cause for not preferring the appeal within the said period.

(3) No appeal under this section shall be admitted after the issue of the notification specified in section 13.

12-B. *Revision.*—(1) The Director of Survey and Settlement may on his own motion call for and examine an order passed or proceeding recorded under section 11 or 12-A to satisfy himself as to the regularity of such proceeding or the correctness, legality, or propriety of any decision or order passed thereon; and if, in any case, it appears to the Director of Survey and Settlement that any such proceeding, decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that the Director of Survey and Settlement shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard:

Provided further that no revision shall be made after the issue of the notification specified in section 13:

(2) The Director of Survey and Settlement shall not pass any order under sub-section (1) if—

(a) the time for appeal against that order or for filing a suit in the civil court has not expired; or

(b) the order has been made the subject of an appeal or of a revision to any appellate authority prescribed under the Act, or

(c) the order has been made the subject of a suit instituted in a civil court.”

4. *Amendment of section 13, Tamil Nadu Act VIII of 1923.*—
In section 13 of the principal Act, for the expression “section 9, 10 or 11”, the expression “section 9, 10, 11, 12-A or 12-B” shall be substituted.

5. *Amendment of section 14, Tamil Nadu Act VIII of 1923.*—
In section 14 of the principal Act,—

(a) for the expression “section 9, 10 or 11”, the expression “section 9, 10, 11, 12-A or 12-B” shall be substituted;

(b) for the expression “Indian Limitation Act, 1908 (Central Act XI of 1908)”, the expression “Limitation Act, 1963 (Central Act 36 of 1963)” shall be substituted.

(By order of the Governor)

S. VADIVELU,
*Commissioner and Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 8th September 1996 and is hereby published for general information:—

Act No. 33 OF 1996.

An Act further to amend the Tamil Nadu Survey and Boundaries Act, 1923.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Survey and Boundaries (Amendment) Act, 1996. Short title and commencement.

(2) It shall come into force at once.

In the Tamil Nadu Act of 1923, in section 26 of the Tamil Nadu Survey and Boundaries Act, 1923, for sub-section (3), the following sub-section shall be substituted, namely:— Amendment of section 26.

“(3) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or the Assembly decides that the rule or notification should not be made or issued, the rule or notification 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 or notification.”.

(By order of the Governor)

A. K. RAJAN,
Secretary to Government,
Law Department.