

BENGAL REGULATION 5 OF 1827

(THE BENGAL ATTACHED ESTATES MANAGEMENT REGULATION,
1827¹.)

[27th December 1827.]

A Regulation for modifying the rules at present in force for the management of estates under attachment by orders of the Court of Justice in certain cases.

1. Whereas it is expedient in all cases of the attachment of landed property under orders of the Courts of Justice that the management of the estate attached should be placed under the superintendence of the Collectors of land revenue; the following rules have been enacted by the Governor General in Council, to be in force, from the date of their promulgation, throughout the territories immediately subject to the Presidency of Fort William.

2. The rules contained in sections 5 and 6, Regulation 5, 1799, * * *² regarding the administration and management of estates under orders of the Zila * * *⁴ Courts, are hereby declared subject to the following modifications.

3. Whenever the Zila * * *⁴ Courts may deem it just and proper, under the provisions of the [Regulation]² above mentioned, to provide for the administration or management of landed property, the Court shall issue a precept to the Collector⁶ of land revenue of the district wherein the estate may be situated.

¹ SHORT TITLE.—This short title was given by the Amending Act 1897 (V of 1897), since repealed.

LOCAL EXTENT.—This Regulation has been declared, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 3, to be in force in the following Districts, namely:—

the Districts of Cachar (excluding the North Cachar Hills, Darrang Goalpara, Eastern Duars), Kamrup, Lakhimpur, Nowgong, Sibsagar, Sylhet, (i.e., Karimganj Subdivision of Cachar district) vide Notification No. 713-L., dated the 27th September 1937.

² The Bengal Wills and Intestacy Regulation, 1799. It is printed *ante*.

³ The words and figures "and clauses 5 and 6, section 16, Regulation III, 1803" and "and sections 26 and 27, Regulation V, 1812, and clause Third, section 5, Regulation VI, 1813", which were repealed by the Amending Act, 1903 (I of 1903) and the Repealing Act, 1874 (XVI of 1874), respectively are omitted.

⁴ The words "and City," which were repealed by the Repealing Act, 1874 (XVI of 1874), are omitted.

⁵ The word "Regulation" in s. 3 was substituted for the words "several Regulations" by the Amending Act, 1903 (I of 1903), since repealed.

⁶ In Assam, the Deputy Commissioner. As to exercise of functions of Deputy Commissioners, see the Assam Land Revenue Regulation, 1886 (I of 1886), Chapter VII, *post*.

directing him to hold the estate in attachment, and to appoint a person for the due care and management of the estate, under good and adequate security for the faithful discharge of the trust, in a sum proportionate to the extent thereof :

Provided, however, that if any person holding an interest in the estate shall be dissatisfied with the selection made by the Collector¹ of the individual to perform the duty in question, or with the conduct of the manager at any time after his appointment, it shall be competent to such person to represent his objections to the Board of Revenue² and the Board² will either confirm the manager chosen, or order the Collector¹ to appoint another person, as on consideration of the circumstances of the case may appear reasonable and proper.

Precept to state property included in attachments.

4. The precept of the Zila * *³ Court above-mentioned shall state specifically the property to be included in the attachment, and the attachment shall not be withdrawn without a further precept from the Court to that effect.

1 In Assam, the Deputy Commissioner. As to the exercise of functions of Deputy Commissioners see the Assam Land and Revenue Regulation, 1886 I of 1886, Chapter VII, *Post*.

2 In Assam, the Chief Commissioner. (Now the State Government) (see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) 53, and Schedule D, Part III, *post* as adapted by the A. O. 1950.

3 The words "or City" which were repealed by the Repealing Act, 1874 (XVI of 1874), are omitted.