

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

(No. 8 of 1967)

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THE PUDUCHERRY SURVEY AND BOUNDARIES ACT, 1967

(No. 8 of 1967)

AN ACT

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

BE it enacted by the Legislative Assembly of Puducherry 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 Puducherry Survey and Boundaries Act, 1967.

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

*(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;

(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:

* The Act came into force from 1st March, 1968 vide EG. No.10 dated 17.02.1968.

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 Puducherry;

(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 his 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 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] 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.

*Chapter III (sections 15 to 23) deleted by Act 28 of 1970 w.e.f 11.01.1971 vide Notification in Gaz. No.1 dated 05.01.1971.

(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 Puducherry, 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 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.

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

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.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.8 OF 1967

The survey of Puducherry was done in 1889 and of Karaikal and Mahe in 1912 and 1929. It has been decided to undertake resurvey of the holdings in the Union Territory of Puducherry on the lines of the system obtaining in the State of Madras. The present Bill has been drafted on the lines of the Madras Survey and Boundaries Act, 1923. The Bill gives effect to the above proposal and also provides for preparation of records of tenants and for attaching presumptive evidence value to such records.

STATEMENT OF OBJECTS AND REASONS FOR ACT 28 OF 1970

Chapter-III of the Puducherry Survey and Boundaries Act, 1967 (Act No.8 of 1967) contained provisions for the preparation and publication of the Record of Rights of land-holders, their tenants and others interested in the lands and corrections thereto as a result of claims and objections. The Puducherry Settlement Act, 1970 (Act No.28 of 1970) which was passed by the Legislature subsequently made similar provisions and also deleted sections 15 to 20 in the said Chapter-III. It is necessary to delete clauses (i), (j), and (k) of sub-section (2) of section 28 of the Puducherry Survey and Boundaries Act, 1967 which deals with the rule making power of the Government in regard to the preparation, publication and correction of the Record of Rights.

The present bill seeks to achieve this objects.
