

ACT No. XX OF 1855.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th July 1855,)

AN ACT for the establishment and maintenance of Boundary-marks in the
Presidency of Fort St. George.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of land assessed to, or exempted from the public revenue in the Presidency of Fort St. George, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields, holdings, estates, and villages, It is enacted as follows :—

Preamble.

I. It shall be lawful within the said Presidency for a Collector of Land Revenue, or person exercising the powers of Collector, or any Revenue Officer appointed by the Government for the purpose, to fix the boundaries of fields, holdings, estates, or villages, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials, and in such number and manner as may appear to such Officer sufficient for distinguishing the limits of such fields, holdings, estates, or villages, whenever he may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

Collectors, &c. to fix boundaries of fields, &c. and to require owners or occupants to form and maintain boundary-marks.

II. Notices shall be served on the persons owning or occupying the conterminous fields, holdings, estates, or villages, requiring them to form or repair such boundary-marks within ten days from the date of the notice, and in the event of

Notices for the purpose when and how to be served.

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of these persons not being found in their village, the said requisition shall be posted in a conspicuous place in the village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the said notice.

III. In default of the owners or occupants of the fields, holdings, estates, or villages complying with such requisition, the said Officer may give directions for the erection and repair of such boundary-marks, the cost of which shall be equitably apportioned on the fields, holdings, estates, or villages which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, holdings, estates, or villages, and shall be levied in the same manner as arrears of land revenue.

In default of compliance Officer may order erection or repair of necessary marks at the expense of the owners or occupants.

In the case of unoccupied fields, cost to be charged to Government.

IV. In the case of unoccupied fields, the cost shall be charged to Government.

V. Any person convicted before a Magistrate of wilfully, and without lawful excuse, erasing, removing, or injuring such boundary-marks, or any survey-marks set up by an Officer of Government, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one-half of which fine may be awarded to the informer, and the other half shall be chargeable with the cost of restoring the mark. Whenever it may not be possible to detect the person who erased, removed, or injured such boundary or survey-marks, the Collector or other Revenue Officer aforesaid may give directions for the restoration or repair of such marks, and may order the cost thereof to be charged to the owners or occupants of the adjacent lands, or apportioned among the ryots of the village in proportion to their pottahs, as he may consider just and equitable, and to be levied in the same manner as arrears of land revenue.

Penalty for erasing, &c. marks—a moiety of which to be awarded to informer.

Costs how to be recovered when offender is not known or unable to pay the fine.

VI. Any

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VI. Any person objecting to a boundary proposed to be fixed under Section I, may prefer a complaint to the Collector, or other Revenue Officer, who shall dispose of the same in the manner prescribed by Regulation XII of 1816.

Party objecting may complain to Collector, &c.

VII. Any occupant or owner of land refusing or failing to attend, when summoned by the Collector or other Revenue Officer, at the measurement and demarcation of his field, holding, or estate, or of the village boundary, shall be liable, by order of the Collector or other such Officer, to a fine not exceeding Fifty Rupees, to be levied by the same process as an arrear of land revenue.

Penalty for refusing or neglecting to attend when summoned.

VIII. The proceedings of Officers imposing charges under Sections III and V, or fines under Section VII of this Act, shall be recorded in writing, and shall be subject to appeal to the Revenue authorities to whom they are subordinate.

Proceedings under Sections III, V, and VII to be recorded in writing, and appealable to the superior Revenue authorities.

