

ACT No. XXII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 2nd April, 1923.)

An Act to declare the law in force in certain territories of the district of Sambalpur and to provide that the past administration of those territories shall not be called in question on the ground that they were not included in the territories administered by the Government of the Central Provinces.

WHEREAS by Proclamation published under Notification No. 2833, dated the first day of September, 1905, the Governor General in Council was pleased to declare and appoint that, with effect from the sixteenth day of October, 1905, the district of Sambalpur (except the Chandarpur-Padampur Zamindari and the Phuljhar Zamindari) which then formed part of the Central Provinces, should cease to form part of those Provinces and should be included within the limits of the Bengal Division of the Presidency of Fort William; and

WHEREAS by Proclamation published under Notification No. 289, dated the twenty-second day of March, 1912, the Governor General in Council, with the sanction of His Majesty, was pleased to constitute certain territories, including the said district of Sambalpur, a province under the name of the Province of Bihar and Orissa; and

WHEREAS it has appeared that by the above mentioned Proclamations certain territories were included within the Presidency of Fort William in Bengal and thereafter within the Province of Bihar and Orissa which territories have nevertheless continued to be administered in all respects as if they had continued to be included in the Central Provinces; and

WHEREAS

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Malkharoda and Gaontia Villages Laws. [ACT XXII

WHEREAS the Governor General in Council has, by Notification No. F.-950 (Public), dated the eighth day of March, 1923, and made under section 60 of the Government of India Act with the approval of the Secretary of State for India in Council, been pleased to declare and appoint that the said territories shall again be included in the Central Provinces; and

WHEREAS it is expedient to declare the law which shall be applicable to the said territories and to provide that nothing done by any authority, executive or judicial, in, for or in relation to the said territories since the sixteenth day of October, 1905, shall be brought in question on the ground that the said territories did not form part of the Central Provinces; and to transfer the said territories from the jurisdiction of the High Court of Judicature at Patna to the jurisdiction of the Court of the Judicial Commissioner of the Central Provinces; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Malkharoda and Gaontia Villages Laws Act, 1923.

Declaration of law in force in the said territories.

2. Notwithstanding anything contained in the Bengal, Bihar and Orissa and Assam Laws Act, 1912, the territories specified in the Schedule (hereinafter referred to as the said territories) shall not be deemed to be included within the Province of Bihar and Orissa and nothing in that Act shall be deemed to be applicable to the said territories; but all enactments made by any authority in British India, and all notifications, orders, schemes, rules, forms and bye-laws issued, made or prescribed under such enactments, which immediately before the commencement of this Act were in force in the Central Provinces and would have been in force in the said territories if they had been part of the Bilaspur district of the Central Provinces shall be in force in the said territories.

Transference of said territories to the jurisdiction of the Court of Judicial Commissioner.

3. On and from the commencement of this Act, the High Court of Judicature at Patna shall cease to exercise within the said territories the jurisdiction and powers which the said High Court exercises from

OF 1923.] *Malkharoda and Gaontia Villages Laws.*

C. P. Act I
of 1917.

from time to time within the limits of the places for which the said High Court was established; and the said territories are hereby declared for all the purposes of the Central Provinces Courts Act, 1917, to form part of the territories to which that Act extends.

4. No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie against any officer of the Government or against any person acting under the orders of any such officer for or on account of or in respect of any act, matter or thing ordered or done in or in relation to the said territories on the ground that the said territories were not, at the time at which such act, matter or thing was so ordered or done, included in the Central Provinces or that the law in force in the said territories was not at such time the law in force in the said Provinces, but was the law in force in the Sambalpur district of the Bengal Division of the Presidency of Fort William in Bengal or in the Sambalpur District of the Province of Bihar and Orissa.

5. No Court or authority, whether civil, criminal or revenue shall entertain any suit, claim, appeal or application whatsoever for the re-trial of any suit or case tried by any Court in the Central Provinces, or shall reverse, annul, amend, declare invalid, or refuse to give effect to, anything done by any such Court or by any authority whatsoever established in the Central Provinces, or shall annul, amend, declare invalid, or refuse to give effect to, any notification, order, rule, bye-law, instrument or document whatsoever, merely on the ground that at the time at which such suit or case was tried, or such thing was done, or such notification, order, rule, bye-law, instrument or document was issued, made or executed, the said territories were not included in the Central Provinces or that the law in the said territories was not at such time the law for the time being in force in the Central Provinces, but was the law for the time being in force in the Sambalpur district of the Bengal Division of the Presidency of Fort William in Bengal or in the Sambalpur district of the Province of Bihar and Orissa.

THE SCHEDULE.

Malkharoda and Gaontia Villages
Laws. [ACT XXII OF 1923.]

THE SCHEDULE.

(SEE SECTION 2.)

Malkharoda Jagir.

Serial Number.	Name of Village.	Settlement Number.	Patwari Circle.	Total area of the village in acres.
1	Ameradih	1190	262	402-80
2	Kurda	1278	261	1376-39
3	Kurdi	1279	261	323-65
4	Kalmi	1249	263	1041-14
5	Charpara	1392	263	639-77
6	Chhapora	1418	261	1385-13
7	Dongridhi	1479	261	335-87
8	Nuagaon	1553	262	832-88
9	Pirdha	1606	261	1469-92
10	Pihirid	1608	262	1776-70
11	Bardhata	1663	261	244-90
12	Birbhata	1687	263	362-73
13	Bhatora	1722	262	830-96
14	Moh tara	1797	262	809-21
15	Malkharoda	1770	263	1445-48
16	Mukta	1776	263	901-72
17	Sipat (Bad)	1872	261	1871-96
18	Sipat (San)	1873	262	618-53
19	Sarasdol	1866	262	581-78
20	Senduras	1893	262	1364-35
	TOTAL	18315-87

Gaontia Villages.

Serial Number.	Name of Village.	Settlement Number.	Patwari Circle.	Total area of the village in acres.
1	Kuhakunda	1287	284	616-57
2	Chharra	1419	278	665-85
3	Jogni	1441	287	701-09
4	Thakurpali	1466	287	149-48
5	Panchpurgia	1570	287	38-27
6	Panchpurgia	1571	282	24-10
7	Brahmapura	1664	285	63-41
8	Badimal	1675	284	1233-92
9	Mahadebpali	1761	280	205-58
	TOTAL	3698-27