

# The Rent Recovery Act, 1853

WEST BENGAL

India

## The Rent Recovery Act, 1853

### Act 6 of 1853

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The Rent Recovery Act, 1853 Act 6 of 1853 [15th April, 1853.] An Act relating to summary suits for arrears of rent, to sales of patni taluks and other saleable tenures, and to sales of land in satisfaction of summary decrees for rent. Preamble. - Whereas by Regulation VIII, [1831] [Bengal Regulation VIII of 1831 repealed by Bengal Act X of 1959.], of the Bengal Code, the hearing and decision of summary suits or claims relating to arrears or exactions of rents were transferred from the fudges of the Zila or City Courts to the Collectors of land revenue of the several districts; And whereas by Regulation VII, [1832] [Bengal Regulation VII of 1932 repealed by Bengal Act VI of 1871.], of the Bengal Code, the conduct of sales of patni taluks and other saleable tenures under 'Regulations VIII, [1819] [Bengal Patni Taluks Regulation, 1819.], and I, [1820] [Bengal Patni Taluks Regulation, 1820.], of the same Code, and the performance of other acts preparatory to, or connected with, such sales were transferred of the Collector or Deputy Collector, of Land-revenue or Head Assistant to the Collector or Deputy Collector subject to an appeal as therein provided; And whereas by Act VIII, [1835] [Act VIII of 1835 and Bengal Regulation VII of 1799 repealed by Act XVI of 1872.], the power therefore vested in the Judge of the Diwani Adalat of selling land satisfaction of summary decrees for rent was transferred to the Collectors of Land-revenue, and it was enacted that all sales 'for the recovery of arrears of rent held under clause 7, section 15, Regulation VII, [1799] [Act VIII of 1835 and Bengal Regulation VII of 1799 repealed by Act XVI of 1872.], should be conducted by the Collector, his Deputy or duty 'authorized Assistant, and that 'ten days' notice should be given of such sales by advertisement to be stuck up at the cutcherry of the Zila Court or local Adalat and that of the Collector [\* \* \* \*] [Portion of the preamble relating to Act XXV of 1850 and Regulation VII of 1819 repealed by Act XII of 1801 is omitted.]. And whereas doubts may be entertained as to who ought to exercise the jurisdiction transferred by the abovementioned Regulations and Acts, where lands situate within the zila or other district of one Collector form part of an entire paying revenue to the Collector of an another zila or district; in order therefore to avoid such doubts, and also to define who are the proper officers to exercise such jurisdictions in cases where lands are situate in a district assigned to an independent Deputy Collector, and also in cases where lands held in patni or other tenure at one entire rent are situate in two or more Collectorates [\* \* \* \*] [The words 'and to prevent any such decision or sale already made from being held invalid upon the ground of its having been made by an officer of a wrong district,' repealed by Act XII of 1891, omitted.]. It is

enacted as follows :-

### **1. Conduct of sale of lands when all in one collectorate.**

- If the lands which may be the subject of any such sale, or to the rent of which any such suit may relate, be all situate in one collectorate, the Collector of such collectorate is the Collector to conduct the sale or to hear and decide the suit. When in two or more collectorates. - If one taluk or tenure shall comprise lands situate in two or more collectorates, or if any lands situate in two or more collectorates be held under one lease or engagement or at one entire rent, the Collector in whose collectorate the greater part of such lands shall be situate is the Collector to conduct the sale of such taluk or tenure or of such lands, and to hear and decide any summary suit relating to arrears or exactions of rent in respect thereof.

### **2. Procedure in case of doubt as to officer having jurisdiction.**

- If a Collector to whom application shall be made to exercise any of the powers abovementioned shall entertain any doubt as to whether the lands or the greater part of them are situate within his collectorate, he shall report the case for the order of the Board to which he is subordinate, and, if ordered by such Board to proceed in the matter, such order shall be conclusive upon the question of his jurisdiction.

### **3. "Collectorate" defined.**

- The word "Collectorate" in this Act means 'the zila or other district to which a Collector is appointed, and no lands situate beyond the limits of such zila or district shall be deemed to be situate within the collectorate by reason of their forming part of an estate "paying revenue to the Collector thereof.

### **4. Powers and jurisdiction of independent Deputy Collector.**

- An independent Deputy Collector may, within his Deputy Collectorate, exercise all the powers and jurisdictions of a Collector with which he may be entrusted, in the same manner and to the same extent as a Collector may do within his Collectorate; and, with reference to the exercise of such powers and jurisdictions, his Deputy Collectorate shall be deemed a Collectorate, and he shall be deemed to be a Collector within the meaning of this Act.

### **5. "Independent Deputy Collector.**

- An independent Deputy Collector is an officer appointed by [the State Government] [Words 'the Provincial Government' substituted for word 'Government' by Government of India (Adaptation of Indian Laws) Order, 1937, and then the word 'State' substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] to act as Deputy Collector independently of a Collector, whether his office is one for the receipt of revenue or not. "Deputy Collectorate." - A Deputy Collectorate is

the district within which an independent Deputy Collector is directed by [the State Government] [Words 'the Provincial Government' Substituted for word 'Government' by Government of India (Adaptation of Indian Laws) Order, 1937, and then the word 'State' Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] to act.

## **6. Publication of notice of sale by independent Deputy Collector.**

- In cases of sales by an independent Deputy Collector under the abovementioned Regulations or Act, any notice thereby required to be stuck up at the cutcherry of the Collector may be stuck up at the cutcherry of the Deputy Collector.

## **7. Exercise of powers of independent Deputy Collector.**

- An independent Deputy Collector may exercise the powers assigned to him over any part of his Deputy Collectorate in public cutcherry, in whatever part of his Deputy Collectorate the same may be situate or held.

## **8. Publication of notice required by law to be advertised.**

- Any notice required by the abovementioned Regulations or Act to be given by advertisement to be stuck up at the cutcherry of the Zila Court or local Adalat shall be stuck up at the Zila Court or local Adalat within the jurisdiction of which the lands to be sold, or the greater portion of them, as the case may be, shall be situate.

## **9. [Order, etc., not to be disputed on ground that Collector was not the Collector of proper district.]**

- Repealed by the Repealing Act, 1873 (XII of 1873).

## **10. [Extension of certain enactments to all sales under Act VIII of 1835.]**

- Repealed by the Bengal Rent Recovery (under-tenures) Act, 1865 (Bengal Act VIII of 1865).