

# Tamil Nadu Land Registration Regulation, 1802

TAMILNADU

India

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### Act 26 of 1802

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Tamil Nadu Land Registration Regulation, 1802(Tamil Nadu Regulation 26 of 1802)Statement of Objects and Reasons - Tamil Nadu Land Registration Regulation (XXVI of 1802) - Prefatory Note. - If a portion of an estate is. alienated, its liability for payment of revenue due on the entire estate remains, unless it has been separately registered in the office of the Collector-(See Reg. XXV of 1802, S.8). For the purpose of such separate registration, procedure is laid down in section 9 of Regulation XXV of 1802, section 2 of Regulation XXVI of 1802, and Act I of 1876. Section 9 of the first Regulation requires the landholder to furnish the Collector with true and accurate accounts of the entire zamindari and of the portion to be separated to enable him to fix the revenue of the separated portion, and section 2 of Regulation XXVI requires the Collector of each district to keep public registers for the purpose of registering the landed property within the district and to enter all transfers of land from one proprietor to another. Though there is only a duty imposed on the Collector to register and sub-divide all alienations, no remedy is provided for in the Act for his failure to perform it.The Madras High Court held in Ponnusamy Thevar v. Collector of Madura (3 M.H.C.35) that, where the duty of registering and sub-dividing was imposed on the Collector, he was bound to take the necessary steps to validate the transfer on the principle, that there could be no right without a remedy, and that the Court could compel the Collector to register and sub-divide it, if such transfer was otherwise valid. An application to the Collector to grant separate registration of a portion of a permanently settled estate which has been alienated by Court sale is one under the provisions of Regulations XXV and XXVI of 1802. (22 M.438). Act I of 1876 applies to cases of private alienations by sale or otherwise and lays down the procedure to be followed by the Collector in dealing with applications for separate registration. Acquisitions by prescription are not excluded from the Act. (11 L.W. 389). As there was a doubt as to who were meant by the words 'Collector of the District' and 'Collector' in the Act, Act II of 1914 was passed which declared that those words were meant to have included and to include any officer who might have been or might be authorised by the Governor-General in Council to exercise the powers of separately assessing lands alienated, thereby validating the order passed by him before the Act. Where both the alienor and the alienee agree before the Collector to have the separate registration made, he has no jurisdiction to refuse it on the ground that others interested in the property object to it, (30 M.106) and the Collector has jurisdiction to order separate registration even if there is no agreement between the parties to

apportion the peish-kush in a particular way. (19 M. 308; 30 M. 106). Where, however, one of the parties does not agree before the Collector to have the separate registration made, he has no jurisdiction to order it and the Civil Court alone can. (19 M 308; 11 L.W. 389). Registration follows title. (19 M. 308; 30 M. 106)(See Soundararaja lyengar's Land Tenures in the Madras Presidency', pp. 132-134).Ss. 1, 2 and 3 declared in force throughout the Presidency of Madras (except as regards the Scheduled Districts) Act XV of 1874, section 4. See Madras Act III of 1896, sections 12 and 14.A Regulation for governing the [registration of landed estates paying revenue to the Government] [These words were substituted for the words 'sale and sub-division of Malguzari lands' by the Repealing and Amending Act, 1901 (Central Act XI of 1901) Second Schedule, Part I.] in the [xxx] [The word 'British' was omitted by the Adaptation Order of 1950.] [State of Tamil Nadu] [This expression was substituted for the expression 'Territories subject to the Presidency of Fort St. George by the Tamil Nadu Adaptation of Laws Order 1970, which urns deemed to have come into force on the 14th January 1969.].[xxx] [The first, 3 lines of the preamble were repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901) Second Schedule, Part I.]

## 1.

Whereas it is expedient that public means should be established for the purpose of ascertaining the public revenue on [landed estates paying revenue to the Government] [These words were substituted for the words 'such lands' by the Repealing and Amending Act 1901 (Central Act XI of 1901) Second Schedule, Part 1.] as well as for prescribing rules for the transfer of all lands; wherefore the following rules have been passed for that purpose.

## 2. Collectors to keep register of revenue paying lands and of transfers lands.

- The Collectors of zilas shall keep public registers, according to the forms prescribed by the [Board of Revenue] [By virtue of section 10(1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be a reference to the State Government or the Appropriate Authority specified in the notification under sub-section (1) of section 4 of the said Act.], for the purpose of registering the landed property paying revenue to Government within their respective [zilas and shall enter all transfers of land from one proprietor to another, which said registers shall be open at all times to the inspection of persons concerned in seeing them.] [Now District, See section 3 of the Tamil Nadu Civil Courts Act, 1873 (Central Act III of 1873).]

## 3. Unregistered transfers of land not valid.

- Transfers of land made by individual persons, without being so registered in the registers of the Collectors, shall not be valid in Courts of Adalat; and such transfers of land, being unregistered, shall not exempt the persons in whose names the entire estates are registered from paying the revenue due to Government from such lands.

**4. to 21.**

[Rules as to sale of lands paying Government revenue and assessment of land-revenue on divided lands: prohibition of purchase of lands by Europeans or by native officers or private servants of Collectors.] Rep., Tamil Nadu Act II of 1864, section 65.]