

CHAPTER V.

REVENUE SURVEYS.

Revenue
survey may
be introduced
by State
Government
into any part
of State.

79. (1) It shall be lawful for the State Government whenever it may seem expedient to direct the survey of any land in any part of the State with a view to assessment or settlement of the land revenue, and to the record and preservation of rights connected therewith, or for any other similar purpose, and such survey shall be called a revenue survey. Such survey may extend to the lands of any village, town or city generally or to such land only as the State Government may direct and subject to the orders of the State Government, it shall be lawful for the Officers conducting any such survey to except from the survey any land to which it may not seem expedient that such survey should be applied.

(2) The control of every revenue survey shall vest in and be exercised by the State Government.

Survey
officer may
require by
general
notice or by
summons,
suitable
service from
holders of
land, etc.

80. It shall be lawful for a survey officer deputed to conduct or take part in any such survey or a survey under section 86 or 87 to require by general notice or by summons the attendance of holders of land and of all persons interested therein, in person or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacities are legally or by usage, bound to perform service in virtue of their respective offices and to require from them such assistance in the operations of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

Assistance
to be given
by holders
and others in
measure-
ment or
classification
of land.

81. It shall be lawful for a survey officer, while conducting surveys mentioned in the preceding section to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flag-holders; and in the event of a necessity for employing hired labour for this or other similar object incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the land surveyed, for collection as a revenue demand.

Survey
numbers not
to be of less
than certain
extent.

82. (1) Except as hereinafter provided no survey number comprising land used for purposes of agriculture only shall be made of less extent than the minimum to be fixed from time to time for the several classes of land in each district by the Director of Land Records, with the sanction of the State Government. A record of the minima so fixed shall be kept in the office of the Tahsildar in each taluka, and shall be open to the inspection of the public at reasonable times.

(2) The provisions of sub-section (1) shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Director of Land Records given either generally or in any particular instance in this behalf; and any survey number separately recognized in the land records shall be deemed to have been authorizedly made whatever be its extent.

83. It shall be lawful for the State Government to direct at any time, a fresh survey or any operation subsidiary thereto :

Power of State Government to direct fresh survey and revision of assessment.

Provided that, where a general classification of the soil of any area has been made a second time, or where any original classification of the soil of any area has been approved by the State Government as final, no such classification shall be again made with a view to the revision of the assessment of such area except when the State Government considers that owing to changes in the condition of the soil of such area or any errors in classification, such reclassification is necessary.

84. The area and assessment of survey numbers and sub-divisions of survey numbers shall be entered in such records as may be maintained under the rules made by the State Government in that behalf.

Entry of survey numbers and sub-divisions in records.

85. (1) Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, a holding may be partitioned on the decree of a civil court or any application of co-holders in the manner hereinafter provided.

Partition.

(2) If in any holding there are more than one co-holder, any such co-holder may apply to the Collector for a partition of his share in the holding :

Provided that, where any question as to title is raised, no such partition shall be made until such question has been decided by a civil suit.

(3) ¹[The Collector] may, after hearing the co-holder divide the holding and apportion the assessment of the holding in accordance with the rules made by the State Government under this Code.

2* * * * *

(5) Expenses properly incurred in making partition of a holding paying revenue to the State Government shall be recoverable as a revenue demand in such proportion as the Collector may think fit from the co-holders at whose request the partition is made, or from the persons interested in the partition.

86. Where any portion of cultivable land is permitted to be used under the provisions of this Code for any non-agricultural purpose or when any portion of land is specially assigned under section 22, or when any assessment is altered or levied or any portion of land under sub-section (2) or sub-section (3) of section 67, such portion may, with the sanction of the Collector, be made into a separate survey number at any time, the provisions of section 82, notwithstanding.

Division of survey numbers into new survey numbers.

87. (1) Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947—

Divisions of survey numbers into sub-divisions.

(a) survey numbers may from time to time and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason ;

¹ These words were substituted for the words, brackets and figure "Subject to the provisions of sub-section (4), the Collector" by Mah. 8 of 1969, s. 3(a).

² Sub-section (4) was deleted, *ibid.*, s. 3(b).

(b) the division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with the rules made by the State Government in this behalf :

Provided that, the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under the provisions of this Code, unless such assessment is liable to alteration under section 67 ;

(c) the area and assessment of such sub-divisions shall be entered in such land records as the State Government may prescribe in this behalf.

(2) Where a holding consists of several *khasra* numbers in any area in the State, the Settlement Officer shall assess the land revenue payable for each *khasra* number and record them as separate survey numbers.

Privilege of
title-deeds.

88. When the original survey of any land has been once completed, approved and confirmed, under the authority of the State Government, no person shall, for the purposes of subsequent surveys of the said land undertaken under the provisions of this Chapter, be compelled to produce his title-deeds to such land or to disclose their contents.

Survey made
before com-
mencement
of this Code
to be
deemed to
be made
under this
Chapter.

89. Any surveys heretofore made, and introduced under any law for the time being in force or otherwise, and in operation on the date of the commencement of this Code, shall be deemed to have been made under the provisions of this Chapter.

CHAPTER VI.

ASSESSMENT AND SETTLEMENT OF LAND REVENUE OF AGRICULTURAL LAND.

Interpreta-
tion.

90. In this Chapter, unless the context otherwise requires,—

(a) “classification value” means the relative valuation of land as recorded in the survey records having regard to its soil, situation, water and other advantages, and includes the valuation of land expressed in terms of soil units on the basis of the factor scale in the Districts of Nagpur, Chanda, Wardha and Bhandara and Melghat Talukas in Amravati District ;

(b) “class of land” means any of the following classes of land, namely, warkas, dry crop, paddy or rice or garden land ;

(c) “factor scale” means the relative value of each class of land included in the sanctioned scheme of soil classification ;

(d) “group” means all lands in a zone, which in the opinion of the State Government or an officer authorised by it in this behalf, are sufficiently homogeneous in respect of matters enumerated in sub-section (2) of section 94 to admit of the application to them of the same standard rates for the purpose of assessment of land revenue ;

(e) “settlement” means the result of the operations conducted in a zone to determine the land revenue assessment therein ;