

Settlement Commissioner, as the case may be, and if an officer subordinate to a Collector or Settlement Officer proposes to review any order on the ground other than that of clerical mistake, whether such order is passed by himself or his predecessor, he shall first obtain the sanction of the authority to whom he is immediately subordinate ;

(ii) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order ;

(iii) no order from which an appeal has been made, or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending be reviewed.

(iv) no order affecting any question of right between private persons shall be reviewed except on an application of a party to the proceedings, and no such application of review of such order shall be entertained unless it is made within ninety days from the passing of the order.

(2) No order shall be reviewed except on the following grounds, namely :—

(i) discovery of new and important matter or evidence ;

(ii) some mistake or error apparent on the face of the record ;

(iii) any other sufficient reason.

(3) For the purposes of this section the Collector shall be deemed to be the successor in office of any revenue or survey officer who has left the district or who has ceased to exercise powers as a revenue or survey officer and to whom there is no successor in the district.

(4) An order which has been dealt with in appeal or on revision shall not be reviewed by any revenue or survey officer subordinate to the appellate or revisional authority.

(5) Orders passed in review shall on no account be reviewed.

Rules as to
decisions or
orders
expressly
made final.

259. Whenever in this Code it is provided that a decision or order shall be final or conclusive, such provision shall mean that no appeal lies from any such decision or order ; but it shall be lawful to the State Government alone to modify, annul or reverse any such decision or order under the provisions of section 257.

CHAPTER XIV.

SPECIAL PROVISIONS FOR LAND REVENUE IN THE CITY OF BOMBAY.

Extent of this
Chapter.

260. The provisions of this Chapter extend to the City of Bombay only.

Interpreta-
tion.

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

¹[(1a) “City Tenures Abolition Act” means the Bombay City (Inami and Special Tenures) Abolition and Maharashtra Land Revenue Code (Amendment) Act, 1969;]

Mah.
XLVI
of
1969.

¹ Clauses (1a) and (aa) were inserted and clause (e) was added by Mah. 44 of 1969, s. 20. Second Sch.

(a) "holder" in relation to any land means the occupier of such land, or where rent is paid for such land, any person in receipt of rent for such land who does not pay rent to another person ;

Explanation.—"Rent" in this clause does not include, money paid for land to the Government or to the Municipal Corporation of Greater Bombay or to the Trustees of the Port of Bombay or to a fazendar, except when such money is paid by a person holding such land on a tenancy for a term of less than one year ;

¹[(aa) "revenue division" means such local area in the City of Bombay as the Collector may, subject to the order of the State Government, by an order in the *Official Gazette*, constitute to be revenue division for the purpose of determining the standard rate of assessment of lands therein;]

(b) "superior holder" means the person having the highest title under the State Government to any land in the City of Bombay ;

(c) "survey" includes identification of boundaries and all other operations antecedent to, or connected with, survey ;

(d) "survey-boundary-mark" means primarily any iron or other mark set up by the officers who conducted the Bombay City Survey hereinafter described and include any such new mark that may hereafter be set up by the Collector or under his orders, according to the provisions of this Chapter ;

¹[(e) words and expressions used but not defined in this Chapter shall have the meanings respectively assigned to them in the City Tenures Abolition Act.]

Assessment and Collection of Land Revenue

²[**262.** (1) It shall be the duty of the Collector to fix and to levy the assessment for land revenue subject to the provisions of sub-sections (2) and sub-section (3).

Power of Collector to fix and to levy assessment for land revenue.

(2) Where there is no right on the part of a superior holder in limitation of the right of the State Government to assess, then, subject to the provisions of the City Tenures Abolition Act, the assessment shall be fixed in accordance with this Chapter.

(3) Where there is a right on the part of a superior holder in limitation of the right of the State Government to assess in consequence of a specific limit established and preserved, and not abolished under the City Tenures Abolition Act, the assessment shall not exceed such specific limit.]

³[**262A.** Except as provided in the City Tenures Abolition Act for the initial assessment of land held on *inami* or special tenure, the rate of assessment of such lands in each revenue division shall not exceed such percentage of the average of the market value thereof, when used as unbuilt plots, as the State Government may, from time to time, fix in this behalf on the basis of the bank rate of interest published by the Reserve Bank of India under section 49 of the Reserve Bank of India Act, 1934.

Rate of assessment not to exceed percentage of market value.

II of
1934.

¹ Clauses (1a) and (aa) were inserted and clause (e) was added by Mah. 44 of 1969, s. 20. Second Sch.

² Section 262 was substituted, *ibid.*

³ Sections 262A to 262E were inserted. *ibid.*

Standard
rate of
assessment.

262B. (1) Subject to the provisions of section 262A, the Collector shall, with the approval of the State Government fix the rate of assessment per square metre of land in each revenue division (to be called 'the standard rate of assessment') which shall be a sum equal to such percentage of the average of the market value of the unbuilt plots in each division as may have been fixed by the State Government under section 262A.

(2) The market value shall be estimated in the prescribed manner on the basis of—

(a) sales of land in the revenue division during the period of fifteen years immediately preceding the year in which proceedings for the fixation of the standard rate of assessment are initiated ;

(b) awards relating to the acquisition of land under the Land Acquisition Act, 1894, in the revenue division during the period of fifteen years aforesaid ;

(c) rental value of lands in the revenue division during the period aforesaid.

(3) The actual assessment of an individual plot in each revenue division shall be fixed by the Collector at an amount equal to the product of the standard rate of assessment in rupees per square metre and the area of the plot in square metre rounded off in the prescribed manner (hereinafter referred to as 'the full assessment').

(4) Any person aggrieved by the decision of the Collector regarding the standard rate of assessment or market value of lands in any revenue division, may¹[appeal to the Commissioner :]

²[* * * * *]

(5) The State Government may make rules under section 306 for the institution and disposal of such appeal (including provisions for period of limitation and hearing).

Publication of
standard
rates of
assessment.

262C. The standard rates of assessment fixed or revised under this Chapter shall be published in the *Official Gazette* and in such other manner as may be prescribed before they are brought into force.

Standard
rate of
assessment
to be in force
for ten years
until revised.

262D. The standard rate of assessment fixed for each division shall come into force from the 1st day of the revenue year immediately following the year in which the rate is fixed ; and notwithstanding any alteration in the bank rate of interest or average market value of lands referred to in section 262A, shall remain in force for a period of ten years; and shall be liable to be revised in accordance with the provisions of this Chapter after the expiry of the said period. Until it is so revised, the rate fixed as aforesaid shall be deemed to be in force.

¹ These words were substituted for the words "appeal to the State Government" by Mah. 47 of 1981, s. 9(a).

² Proviso was deleted, *ibid*, s. 9(b).

[†] Section 13 to Mah. 47 of 1981 reads as under :—

"13. The amendments made by this Act in the principal Act shall not have any affect in respect of and apply to any appeals or other proceedings, pertaining to the City of Bombay on the Bombay Suburban District, filed and pending before the State Government or the Commissioner for the Konkan Division on the date of commencement of this Act, and such appeals and proceedings shall be continued and disposed of by the State Government or by the said Commissioner, or by the officers authorised by them in this behalf, as the case may be, as if this Act had not been enacted."

262E. (1) Notwithstanding any alteration in the bank rate of interest referred to in section 262A, or the revision of the standard rate of assessment, the assessment fixed in respect of any land under this Chapter shall remain in force for a period of fifty years from the date on which it is fixed (such period being called 'the period of guarantee').

Period of
guarantee.

(2) On the expiry of the period of guarantee, the assessment shall be liable to revision ; and the foregoing provisions of this Chapter shall, so far as may be, apply to such revision.

(3) Until the assessment is so revised, the assessment made shall continue in force notwithstanding the expiry of the period of guarantee.]

263. (1) The settlement of the assessment of each portion of land to the land revenue shall be made with the superior holder of the same.

Settlement of
assessment
with whom
to be made.

(2) If the superior holder be absent and have left no known authorized agent in Bombay, or if there be a dispute as to who is entitled to be considered the superior holder of the land, the settlement may be made with the person actually in possession of the land and any assessment so fixed shall be binding upon the rightful superior holder of the land.

(3) Any payment made by the person in possession in accordance with the provisions of this Code shall be deemed to have been made on behalf of the superior holder.

(4) Where the superior holder or the person in possession cannot be readily ascertained, the Collector shall give notice calling on all persons claiming the right of a superior holder in or over the said land or right to the possession thereof, to intimate such claim to the Collector at his office.

(5) If no person asserts such right by informing the Collector as aforesaid within twenty-one days from the date of such notice, the Collector may assess such land at his discretion, and the superior holder and every person then or thereafter in possession of the land shall be liable accordingly.

264. (1) The superior holder of land, or in his absence the person actually in possession shall be liable in person and property for the land revenue due upon the holding.

Liability of
land
revenue.

(2) Arrears of land revenue due on account of land shall, on failure by the persons interested therein to pay the same on or before the date specified in that behalf in a notice demanding payment posted on or near the land, be a paramount charge on the land and on every part thereof.

265. (1) Arrears of land revenue due on any land under this Chapter shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgement-decree, execution, attachment or otherwise howsoever, against such land, or the superior holder thereof.

Claims of
State
Government
to have
precedence.

(2) The claim of the State Government to any moneys other than the arrears of land revenue but recoverable as a revenue demand under the provisions of this Chapter shall have priority over all unsecured claims against any land.

Power of
Collector to
give directions
regarding
payment of
revenue.

266. Subject to such orders as may be passed by the State Government, the Collector shall from time to time give orders and make known the same by notice, to be served on all superior holders of land paying revenue, or in their absence persons in possession, regulating the persons, places and times to whom and within which the revenue payable in respect of any land shall be paid :

Provided that, where the assessment leviable in any case under the provisions of this Chapter does not exceed one rupees per annum, it shall be lawful for the Collector subject to the orders of the State Government to levy, in lieu of such assessment, a single lump sum of such amount as the Collector, subject as aforesaid deems to be a fair equivalent of the assessment but not in any case exceeding thirty times the assessment.

Notice of
demand may
be served
after arrears
due.

267. (1) If any land revenue is not paid, at or within, the time when it becomes payable the Collector may, on or after the day following that on which the arrears accrue due, cause a notice of demand to be served on the superior holder or on the person in possession, or on both.

(2) Every person to whom any such notice is issued shall be chargeable in respect thereof with a fee not exceeding two rupees calculated according to the rates specified in this behalf in the table in Schedule F :

Provided that, in no case shall the fee chargeable for any notice exceed the amount of the land revenue in respect of which the said notice is issued.

(3) If the superior holder or person in possession, as the case may be, shall, for the space of twenty days after service of written notice of demand of payment, fail to discharge the revenue due, it shall be lawful for the Collector to levy the same by—

(a) attachment and sale of the defaulter's movable property ; or

(b) attachment and sale of such portion of the land on which the revenue is due as may be required to satisfy the demand ; or

(c) attachment and sale of the right, title and interest of the defaulter in any other immovable property.

Such sales shall be by public auction and shall not take place until at least fifteen days after notice thereof shall have been published in the *Official Gazette*.

Sales how
to be
conducted.

268. Sales under the provisions in this Chapter shall be conducted in accordance with the provisions contained in sections 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 218, 219 and 220 of this Code :

Provided that, a sale may from time to time be postponed for any sufficient reason recorded in that behalf ; and when the sale is postponed for a period longer than thirty days, a fresh notice shall be issued unless the defaulter consents to wave it.

Defaulters
may be
arrested and
confined.

269. If the sale of the defaulter's property does not satisfy the demand in respect of the arrears of land revenue, it shall be lawful for the Collector to cause the defaulter to be apprehended and confined in the civil jail according to the

law in force in the City of Bombay for the confinement of debtors, for which purpose a certificate of demand under the Collector's signature sent with the defaulter shall be the Sheriff's sufficient warrant equally with the usual legal process in ordinary cases of arrest in execution of judgment for debt :

Provided that, no such apprehension shall be made unless the default is wilful and the defaulter is given an opportunity to show cause against his apprehension and confinement :

Provided further that, such imprisonment shall cease at any time upon payment of the sum due and that it shall in no case exceed—

- (i) a period of six months when the sum due is more than fifty rupees ; and
- (ii) a period of six weeks in any other case.

V of
1908.

270. (1) All such property as is by the Code of Civil Procedure, 1908, exempted from attachment and sale in execution of a decree, shall also be exempt from attachment and sale under section 267.

Exemption
from
attachment
and sale.

(2) The Collector's decision as to what property is so entitled to exemption shall be conclusive.

271. The decision of the Collector upon any question arising out of the provisions of sections 262 to 269 shall, ¹[subject to the provisions of sub-sections (4) and (5) of section 262B and section 274] be binding upon all persons whom it may concern, and shall be acted upon accordingly, but the Collector's decision shall be stayed on any such person giving security to the satisfaction of the Collector that he will, within sixty days from the date when such decision was made known to him, make an appeal before ²[³the Commissioner], ⁴[or as the case may be, the Maharashtra Revenue Tribunal]] for the purpose of contesting the legality of the Collector's decision and will fulfil the order that may be passed against him, and will pay all costs and interest which may be so ordered or that, if he fails to file an appeal as above specified, he will when required, pay the amount demanded.

Collector's
decision to
be acted in
the first
instance but
may be
stayed on
security
being
furnished

272. All compulsory process against a defaulter shall cease on his paying or tendering the amount demanded of him under protest to the officer executing such process or on his filing an appeal ⁵[before the Commissioner, or as the case may be, the Maharashtra Revenue Tribunal] to contest the legality of the demand and furnishing security satisfactory to the Collector, ⁶[the Commissioner], ⁷[or as the case may be, the Maharashtra Revenue Tribunal] that he will pending the decision of the said appeal neither quit the jurisdiction nor remove nor transfer his property therein, without providing to the satisfaction of the Collector, or ⁸[of the Commissioner or of the Maharashtra Revenue Tribunal] for the execution of the order passed in appeal.

Compulsory
process to
cease on
payment
under
protest and
on filing
appeal and
furnishing
security.

¹ These words, brackets, figures and letter were substituted for the words and figures "subject to the provision of section 274", by Mah. 44 of 1969, s. 20, Second Schedule.

² These words were inserted, *ibid*.

³ These words were substituted for the words "the State Government" by Mah. 47 of 1981, s. 10.

⁴ These words were inserted by Mah. 23 of 2007, s. 6.

⁵ These words were substituted for the words " before the Commissioner ", *ibid*, s. 7 (a).

⁶ These words "the Commissioner" were substituted for the words "the State Government" by Mah. 47 of 1981, s. 11.

⁷ These words were inserted by Mah. 23 of 2007, s. 7(b).

⁸ These words were substituted for the words " of the Commissioner", *ibid*, s. 7(c).

Fees in respect of warrant for attachment and sale of defaulters' property. Additional fee.

273. Fees shall be payable according to the table in Schedule G on all warrants issued under the provisions of section 269 or the attachment and sale of the property of defaulters by the person in respect of whose property such warrants are issued, and an additional fee of twenty-five paise per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

Appeals before
3[Maharashtra Revenue Tribunal].

274. ¹[Except as provided in sub-sections (4) and (5) of section 262B, an appeal] shall lie against any decision or order passed by the Collector or any of his assistants or other subordinates exercising the powers of the Collector under this Chapter to ²[the Maharashtra Revenue Tribunal].

Court-fees.

275. Notwithstanding anything contained in the Bombay Court-fees Act, 1959, and in section 324 of the Code, every appeal before ⁴[the Maharashtra Revenue Tribunal] shall bear a Court-fee stamp of such value as may be prescribed by rules under this Chapter.

Bom.
XXXVI
of
1959.

Power of State Government to make grants of lands free of revenue.

276. It shall be lawful for the State Government to grant lands free of price and free of revenue, whether in perpetuity or for a term of years, and on such other terms and conditions (if any) as may be annexed to the grant.

The Bombay City Survey and Boundary Marks

Bombay City survey recognised.

277. The latest survey completed under the authority of the State Government shall be called "the Bombay City Survey" and the demarcation of lands then made, and all the records of the said survey (including alteration or correction made therein before the commencement of this Code) shall be taken as *prima facie* evidence for all proceedings under and for all the purposes of this Chapter :

Provided that, the Collector may, on the application of the parties interested in such land, and shall, in pursuance of a decree or order of a competent court, cause any alteration or correction to be made of any such demarcation of lands, or of any entry in any such record.

State Government may order survey and appoint Superintendent.

278. (1) The State Government may, whenever it thinks fit, order that a survey shall be made of the lands situated in the City of Bombay and for such purpose may appoint a Superintendent of Survey and one or more Assistant Superintendent of Survey.

(2) The Assistant Superintendent shall exercise such powers as may be delegated to them by the Superintendent.

Collector or subordinates may enter upon lands.

279. It shall be lawful for the Collector or any of his assistants or other sub-ordinates duly authorised by writing under his hand in that behalf and for the Superintendent or any other officer employed in the survey after giving not less than twenty-four hours, notice to enter upon any lands for the purpose of inspecting the survey boundary marks erected thereon or of altering, renewing or repairing such marks or for survey in the manner provided in section 241 of this Code.

¹ These words, brackets, figures and letter were substituted for the words and figures " An appeal ", by Mah. 44 of 1969, s. 20, Second Schedule.

² These words were substituted for the words " the concerned Divisional Commissioner " by Mah. 23 of 2007, s. 8 (a).

³ These words were substituted for the words " the concerned Divisional Commissioner " *ibid*, s. 8 (b).

⁴ These words were substituted for the words " the Divisional Commissioner " *ibid*, s. 9.

280. Before entering on any land for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the holder or occupier of the land about to be surveyed and on the holders or occupiers of conterminous lands, calling upon them to attend either personally or by agent on such land before him or before such officer as may be authorised by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice), for the purpose of pointing out boundaries and of affording such information as may be needed for the purposes of this Chapter and intimating that in the event of their failing to attend, he or such officer will proceed with the survey in their absence.

Notice to be served on holder to attend.

281. After due service of notice under section 280, the Superintendent, or such officer as may be authorised by him may proceed with the survey whether the person upon whom notices have been served are present or not.

After service of notices Superintendent may proceed with survey.

282. (1) The Superintendent shall prepare a map and a register of all lands which have been surveyed under his Chapter.

Survey map and register.

(2) To every piece of land separately shown on the map and entered in the register an indicative number shall be assigned, and the name of the person appearing to be the holder thereof at the time of the survey shall be entered in the register.

(3) Nothing contained in such map or register shall affect the rights of any person.

283. The Superintendent may at any time cause to be erected, on any land which is to be, or has been surveyed under this Chapter temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient for the purpose of the survey :

Superintendent may erect boundary marks.

Provided that, no permanent boundary marks shall be erected when the boundary is defined by a permanent building, wall or fence.

284. (1) When any temporary boundary mark has been erected under section 283, the Superintendent may cause a notice in writing under his hand to be served on the holder of the land whereon, or adjoining which, such boundary mark is situate requiring him to maintain such boundary mark till the survey has been completed.

Maintenance of temporary boundary marks.

(2) If such holder does not comply with such notice, the Superintendent may repair the boundary mark and expenses shall be recoverable from such holder as an arrear of land revenue under the provisions of this Chapter.

285. (1) The holder of any land surveyed under this Chapter shall be liable to the payment of a survey fee assessed on the area and rateable value of such land.

Survey fee may be charged.

(2) The amount of the survey fee payable under sub-section (1) shall be regulated by the Collector in accordance with rules made by the State Government in that behalf.

(3) Any survey fee assessed in accordance with sub-sections (1) and (2) shall be payable within three months from the date of notice to be served by the Collector upon the person liable therefor after the completion of the survey of the City of Bombay ; and such survey fee shall be leviable as an arrear of land revenue under the provisions of this Chapter.

(4) Any person who has paid the survey fee assessed on any land under this section shall be entitled to receive free of charge a certified extract from the map and a certified extract from the register prepared under section 282, so far as they relate to such land.

All documents connected with survey to be sent to Collector. **286.** (1) After the survey of any part of the City has been completed, the Superintendent shall deposit with the Collector all maps, registers and other documents connected with the survey of such part.

(2) Such deposit shall be notified in the *Official Gazette*, and any person interested in the survey may, at any time within two months from the date of such notification, inspect such maps, registers and other documents free of charge.

(3) During such period the Collector may, if necessary, and without prejudice to the rights of any of the parties concerned, cause the map or the register prepared under section 282 to be corrected free of charge.

Maintenance of survey map and register. **287.** (1) The map and register prepared under section 282 shall be maintained by the Collector, who shall cause the map to be revised and the entries in the register to be corrected from time to time as may be necessary, without prejudice to the rights of any person :

Provided that, no person shall, for the purposes of this section be required to give notice of the acquisition of any interest in land.

(2) The Collector may assess the cost of revisions of any part of the map and all contingent expenses on the land to which such part relates and such cost shall be payable by the holder of such land, and shall be leviable as an arrear of land revenue under the provisions of this Chapter.

Revision of maps. **288.** Subject to rules made in this behalf by the State Government under this Chapter, any officer acting under the orders of the Collector of Bombay may, for the purpose of revising any map prepared under this Chapter, exercise any of the powers of a Superintendent under this Chapter.

Responsibility for maintenance and repair of boundary marks. **289.** Every superior holder of land shall be responsible for the maintenance and good repair of the survey-boundary marks of his holding and for any expenses not exceeding five rupees for each mark, reasonably incurred on account of the same by the Collector in cases of alteration or removal.

Collector may require superior holders to renew or repair survey marks. Requisition how made. **290.** In the event of any survey-boundary mark being destroyed, defaced, injured or removed, it shall be lawful for the Collector to cause to be served on the superior holder, or in his absence the person in possession of any land of which such mark designates the boundary, as requisition in writing signed by the said Collector, calling on such superior holder or person in possession to renew or repair the said mark, at his own expense, within fifteen days from the date of the service of such requisition.

291. If the said survey-boundary mark be not renewed or repaired, within the said period, to the Collector's satisfaction, it shall be lawful for the Collector or any of his assistants or other subordinates, or other person duly authorised as hereinbefore mentioned, to enter upon any land to which the said mark appertains and to renew or repair it, and for each such mark so renewed or repaired, it shall be lawful for the Collector to charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding rupees ten in the whole as he may deem fit.

On default, Collector or assistants may enter and renew or repair. Charge for renewal or repair.

292. No person shall for the purposes of survey undertaken under this Chapter or for erecting boundary marks thereunder be compelled to produce his title deeds to any land or to disclose their contents.

Privilege of title-deeds.

293. The proceedings undertaken under sections 278 to 292 (both inclusive) shall not be affected by reason of any informality, provided that the provisions in these sections be in substance and effect complied with.

Proceedings not to be affected by informality.

Government Lands and Foreshore

294. All unoccupied lands within the City of Bombay, and every unoccupied portion of the foreshore, below high water mark, shall be deemed, and are hereby declared to be, the property of the State Government, subject always to the rights of way and all other rights of the public legally subsisting.

Right of Government to lands and foreshore.

For the avoidance of doubt, it is hereby expressly declared that nothing in this section shall be taken to affect the right of the State Government to unoccupied lands declared to be the property of the State Government by any earlier law.

295. It shall be lawful for the Collector, with the sanction of the State Government, to dispose of any lands or foreshore vested in the State Government in such manner and subject to such conditions as he may deem fit ; and in any such case, the land or foreshore so disposed of shall be held only in the manner, for the period and subject to the conditions so prescribed.

Such lands and foreshore how disposed of.

Transfer of lands, etc.

296. (1) Whenever the title to any land, house or other immovable property, subject to the payment of land-revenue to the State Government, is transferred or assigned, the person transferring or assigning the same and the person to whom the same is transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector.

Notice of transfer of title to lands etc. to be given to Collector.

(2) Such notice shall be given within twenty days after execution of the instrument of transfer or assignment, or after its registration if it be registered, or after the transfer or assignment is effected, if no instrument is executed.

(3) In the event of the death of any person in whose name the title to any property is entered in the records of the Collector, the person to whom such title is transferred as heir or otherwise shall cause notice thereof to be given to the Collector within one year from such death.

297. (1) The notice shall be in the form either of Schedule H or Schedule I as the case may be, and shall state clearly all the particulars required by the said form.

Form of notice.

(2) It shall be accompanied, whenever the Collector shall deem fit so to require, by the instrument of transfer if any, by a plan to be furnished of the land which is the subject of the transfer or assignment, drawn and attested by such officer as the Collector may direct and by a certificate that public notice has been given of the transfer or assignment by beat of *bataki*.

Penalty for neglect to give notice. **298.** Every person neglecting to give the notice required by the two last preceding sections within the time therein specified, shall be liable at the discretion of the Collector to a fine not exceeding ten rupees in case of holdings paying less than one rupee as land-revenue, and in no other case exceeding rupees one hundred.

Person transferring title and omitting to give notice to continue liable for revenue. **299.** Every person transferring the title to any land, house, or other immovable property subject to the payment of land-revenue to the State Government without giving the notice required by section 296 and 297 shall continue liable to the State Government for the payment of all land-revenue accruing due in respect thereof, until he gives such notice or until the requisite transfer has been effected in the records of the Collector :

Provided that, nothing contained in this section shall be held to diminish the liability of the land, house or other immovable property to attachment or sale under the provisions of section 267.

Proceeding in case of disputes as to entry or transfer. **300.** (1) Whenever any dispute or question arises with respect to the making or completion of any entry or transfer in the records of the Collector, of or relating to any land, house or other immovable property subject to the payment of land-revenue to the State Government, the Collector shall summon all the parties interested in such entry or transfer, and shall call for such evidence, and examine such witnesses, as he shall consider necessary, and shall thereupon decide summarily what entry shall be made in his records in respect of such land, house, or other immovable property.

(2) If at any time a certified copy shall be produced to the Collector of an order of a competent court determining the title to any such land, house or other immovable property, the Collector shall amend his records in conformity with such order.

Registration or transfer not to affect right of Government. **301.** The registration or transfer of any title in the Collector's records shall not be deemed to operate so as in any way to affect any right, title or interest of the Government in the land, house or other immovable property in respect of which any such transfer is made or registered.

Procedure

Law applied to summons, etc. **302.** (1) The provisions of the Code of Civil Procedure, 1908, in force for the time being with respect of the issue of summons and commissions, and the compelling the attendance of witnesses, and for their remuneration in suits before a District Court shall apply to all persons summoned to appear before the Collector under the provisions of this Chapter. V of 1908.

(2) Any notice which the Collector or any of his subordinates is by this Chapter required or empowered to issue shall be deemed to have been sufficiently served,—

VI of
1898.

- (a) if it is addressed to any person and has been—
- (i) delivered to such person ; or
 - (ii) delivered at his abode in his absence to any adult member or servant of his family ; or
 - (iii) sent by post in a letter addressed to him at his last known residence, address or place of business and registered under Chapter VI of the Indian Post Office Act, 1898 ; or
- (b) if the Collector is in doubt as to the person to whom such notice should be addressed or as to the residence, address or place of business of any person on whom it is desired to serve such notice, and
- (i) causes the notice to be posted in some conspicuous place on or near the land to which it relates, and
 - (ii) publishes the notice either in the *Official Gazette*, or in such local newspapers as he deems fit or by proclamation on or near such land accompanied with beat of drum.

Levy of house-rent, fees, penalties, etc.

303. (1) All arrears of rent payable by any persons in respect of the occupation of any house the property of the Government and all fees, fines and penalties chargeable under this Chapter and all moneys leviable under the provisions of this Chapter on account of the value of any land, or on account of the alteration, removal, renewal or repair of survey-boundary marks or on account of the abatement or removal of an encroachment shall be realised in the same manner as other revenue demands, under the provisions of sections 267 and 269 of this Chapter.

Dues leviable
as revenue
demands.

(2) All other sums declared by any Act or Regulation or by any rules thereunder or by any agreement or contract with the State Government to be leviable as an assessment or as a revenue-demand, or as an arrear of land-revenue, shall also be realised in the same manner as revenue-demands under the provisions of sections 267 and 269 of this Chapter.

(3) All person who may have become sureties for the payment of any sum of money payable under any of the provisions of this Chapter or for any such contractor as aforeaid shall, on failure to pay the amount or any portion thereof for which they may have become liable under the terms of their security-bond, be liable to be proceeded against under the provisions of sections 267 and 269 as revenue defaulters ; and the provisions of sections 267 and 269 shall, so far as may be, be applicable to such persons.

304. It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land-revenue due under this Chapter any sum certified by the Collector or Assistant or Deputy Collector or a Tahsildar of any district in the State to be due and recoverable as an arrear of land-revenue from any person residing or owning property in the City of Bombay, by whom the same is so certified to be due.

Power to
Collector of
Bombay to
assist other
Collectors in
realization of
dues.

305. It shall be the duty of the Collector to prepare and keep in such form as the State Government may from time to time sanction a sparate register and rent roll of every description of land according to the nature and terms of the tenure on which such land is held.

Collector to
keep
registers and
rent rolls.

Rules. **306.** (1) The State Government may, by notification in the *Official Gazette*, make rules consistent with the provisions of this Chapter for carrying into effect the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may make provision for the guidance of the Collector, and his assistances, and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Chapter not expressly provided for therein.

Savings. **307.** (1) Anything done or action taken under the provisions of the Bombay City Land Revenue Act, 1876 (including all rules prescribed), appointments made, powers conferred, orders issued and notifications published under that Act, and all other rules (if any) now in force and relating to any of the matters dealt with in this Chapter ; and any surveys made or boundary marks erected or any maps and registers prepared under the Bombay City Survey Act, 1915, shall be deemed to have been prescribed, made, conferred, issued, published, erected and prepared under this Chapter. Bom. II of 1876.
Bom. IV of 1915.

(2) All proceedings which have been commenced under any of the Acts aforesaid shall, on the commencement of this Chapter in the City of Bombay, be deemed to have been commenced under this Code and shall hereafter be conducted in accordance with the provisions of this Code.

¹[CHAPTER XV

MAHARASHTRA REVENUE TRIBUNAL

Definitions. **308.** In this Chapter, unless the context requires otherwise,—

(a) “President” means the President of the Tribunal ;

(b) “Tribunal” means the Maharashtra Revenue Tribunal constituted under section 309.

Maharashtra Revenue Tribunal. **309.** (1) There shall be established for the State of Maharashtra, a Tribunal, to be called the Maharashtra Revenue Tribunal.

(2) The Tribunal shall consist of the President and such number of other members as the State Government may, by notification in the *Official Gazette*, appoint.

President and members. **310.** The qualifications (including age) of the President and other members constituting the Tribunal, the period for which they shall hold office, and their conditions of service, shall be such as may be prescribed.

Vacancy and temporary absence. **311.** (1) If any vacancy occurs by reason of the death, resignation or expiry of the appointment, or termination of the appointment, of the President or other members or for any other cause whatsoever, such vacancy shall be filled by appointment of a duly qualified person.

(2) If any member of the Tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, the State Government may appoint some other person to discharge his duties for any period not exceeding six months at one time and the person so appointed shall during that period have the same powers as the person in whose place he is appointed.

¹ Chapter XV was inserted by Mah. 23 of 2007, s. 10.