

## CHAPTER II.

## REVENUE OFFICERS : THEIR POWERS AND DUTIES.

Chief  
controlling  
authority in  
revenue  
matters.

**5.** The Chief controlling authority in all matters connected with the land revenue in his division shall vest in the Commissioner, subject to the superintendence, direction and control of the State Government.

Revenue  
Officers in  
division.

**6.** The State Government shall appoint a Commissioner of each division ; and may appoint in a division an Additional Commissioner and so many Assistant Commissioners as may be expedient, to assist the Commissioner :

Provided that, nothing in this section shall preclude the appointment of the same officer as Commissioner for two or more divisions.

Revenue  
Officers in  
district.

**7.** (1) The State Government shall appoint a Collector <sup>1</sup>[for each district (including the City of Bombay)] who shall be in charge of the revenue administration thereof ; and a Tahsildar for each *taluka* who shall be the chief officer entrusted with the local revenue administration of a *taluka*.

(2) The State Government may appoint one or more Additional Collectors <sup>2</sup>[and in each district (including the City of Bombay)] and so many Assistant Collectors and Deputy Collectors (with such designations such as " First ", " Second ", " Supernumary " etc. Assistants as may be expressed in the order of their appointment), one or more Naib-Tahsildars in a *taluka*, and one or more Additional Tahsildars or Naib-Tahsildars therein and such other persons (having such designations) to assist the revenue officers as it may deem expedient.

(3) Subject to the general orders of the State Government, the Collectors may place any Assistant or Deputy Collector in charge of one or more sub-divisions of a district, or may himself retain charge thereof. Such Assistant or Deputy Collector may also be called a Sub-Divisional Officer.

(4) The Collector may appoint to each district as many persons as he thinks fit to be Circle Officers and Circle Inspectors to be in charge of a Circle, and one or more *Talathis* for a *saza*, and one or more Kotwals or other village servants for each village or group of villages, as he may be fit.

Survey  
Officers.

**8.** For the purposes of Chapters V, VI, VIII, IX and X the State Government may appoint such officers as may from time to time appear necessary. Such officers may be designated " Settlement Commissioner ", " Director of Land Records ", " Deputy Director of Land Records ", " Superintendents of Land Records ", " Settlement Officers ", " District Inspectors of Land Records ", and " Survey Tahsildars ", or otherwise as may deem requisite.

Combination  
of Offices.

**9.** It shall be lawful for the State Government to appoint one and the same person, being otherwise competent according to law, to any two or more of the Offices provided for in this Chapter or to confer upon an Officer of one denomination all or any of the powers or duties of any other Officer or officers within certain local limits or otherwise, as may seem expedient.

Delegation of  
powers.

<sup>3</sup>**9A.** The State Government may, by order in the *Official Gazette*, direct that the powers of the State Government to make appointments under section 7,

<sup>1</sup> These words were substituted for the words " for the City of Bombay and for each district " by Mah. 47 of 1981, s. 5.

<sup>2</sup> These words were substituted for the words " for the City of Bombay and for each district " *ibid.*, s. 5(2).

<sup>3</sup> Section 9A was inserted by Mah. 30 of 1968, s. 2.

section 8 or section 9 in respect of such revenue or survey Officers and subject to such conditions, if any, may be exercisable also by such Officer not below the rank of the Collector, or as the case may be, Superintendent of Land Records, as may be specified in the direction.]

**10.** If a Collector or Tahsildar is disabled from performing his duties or for any reason vacates his office or leaves his jurisdiction or dies— Temporary vacancies.

(a) the Additional Collector, and if there be no Additional Collector, the Assistant or Deputy Collector of the highest rank in the district,

(b) the Additional Tahsildar, and if there be no Additional Tahsildar, the Naib-Tahsildar or the senior-most subordinate Revenue Officer in the taluka,

shall, unless other provision has been made by the State Government, succeed temporarily to the office of the Collector, or as the case may be, of the Tahsildar and shall be held to be the Collector or Tahsildar under this Code, until the Collector, or Tahsildar resumes charge of his district or taluka, or until such time as a successor is duly appointed and takes charge of his appointment.

*Explanation.*—an officer whose principal office is different from that of an Assistant Collector, and who is working as an Assistant Collector for special purposes only, shall not be deemed as an Assistant for the purposes of this section.

**11.** (1) All revenue officers shall be subordinate to the State Government. Subordina-

(2) Unless the State Government directs otherwise, all revenue officers in a division shall be subordinate to the Commissioner, and all revenue officers <sup>1</sup>[in a district (including the City of Bombay)] shall be subordinate to the Collector. tion of officers.

(3) Unless the State Government directs otherwise, all other revenue officers including survey officers shall be subordinated, the one to the other, in such order as the State Government may direct.

**12.** <sup>2</sup>[The appointment of all officers of and above the rank of Tahsildar, or as the case may be, District Inspector of Land Records made under sections 6, 7, 8 and 9 shall be duly notified ;] but the appointment shall take effect from the date on which an officer assumes charge of his office. Appoint-ments to be notified.

**13.** (1) The revenue officers of and above the rank of a Tahsildar (not being an Additional Commissioner, Assistant Commissioner, Additional Collector or Additional Tahsildar), shall exercise the powers and discharge the duties and functions conferred and imposed on them respectively under this Code or under any law for the time being in force, and so far as is consistent therewith all such other powers, duties and functions of appeal, superintendence and control within their respective jurisdiction ; and over the Officers subordinate to them as may from time to time be prescribed by the State Government : Powers and duties of revenue officers.

Provided that, the Collector may also exercise throughout his district all the powers and discharge all the duties and functions conferred or imposed on an Assistant or Deputy Collector under this Code or under any law for the time

<sup>1</sup> These words and brackets were substituted for the words " for the City of Bombay or in district " by Mah. 47 of 1981, s. 6.

<sup>2</sup> This portion was substituted for the portion beginning with the words " The appointment " and ending with the words " duly notified " by Mah. 30 of 1968, s. 3.

being in force and a Tahsildar shall also exercise such powers as may be delegated to him by the Collectors under the general or special orders of the State Government.

<sup>1</sup>[*Explanation.*—In this proviso, the expression, “ a Tahsildar ” shall include, and shall be deemed always to have been included, the expression “ an Additional Tahsildar ”.]

(2) The revenue officers aforesaid shall also, subject to the control and general or special orders of the State Government, exercise such powers and discharge such duties and functions, as the State Government may by an order in writing confer or impose on them for the purpose only of carrying out the provisions of any law for the time being in force, and so far as is consistent therewith.

(3) The Additional Commissioner and the Assistant Commissioner, and the Additional Collector and the Additional Tahsildar shall each exercise within his jurisdiction or part thereof such powers and discharge such duties and functions of the Commissioner, the Collector or, as the case may be, the Tahsildar under the provisions of this Code or under any law for the time being in force, as the State Government may, by notification in the *Official Gazette*, direct in this behalf.

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(4) The Sub-Divisional Officer shall subject to the provisions of Chapter XIII perform all the duties and functions and exercise all the powers conferred upon a Collector by this Code or any law for the time being in force, in relation to the sub-division in his charge :

Provided that, the Collector may whenever he may deem fit direct any such Sub-Divisional Officer not to perform certain duties or exercise certain powers and may reserve the same to himself or assign them to any Assistant or Deputy Collector subordinate to the Collector :

Provided further that, to such Assistant or Deputy Collector who is not placed in charge of a sub-division, the Collector shall, under the general orders of the State Government, assign as such particular duties and powers as he may from time to time deem fit.

(5) Subject to the orders of the State Government and of the Commissioner the Collector may assign to a Naib-Tahsildar within his local limits such of the duties, functions and powers of a Tahsildar as he may from time to time deem fit.

(6) Subject to such general orders as may from time to time be passed by the Commissioner or Collector, a Tahsildar or Naib-Tahsildar may employ any of his subordinates to perform any portion of his ministerial duties :

Provided that, all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Tahsildar or Naib-Tahsildar.

(7) In all matters not specially provided for by law, the Revenue Officers shall act according to the instructions of the State Government.

Powers and  
duties of  
survey  
officers, circle  
officers, etc.

**14.** (1) Subject to the orders of the State Government, the survey officers are vested with the cognisance of all matters connected with the survey, settlement and record of rights and shall exercise all such powers and perform all such duties as may be provided by this Code or any law for the time being in force :

<sup>1</sup> This *Explanation* was deemed always to have been added by Mah. 5 of 1982, s. 9.

<sup>2</sup> Proviso was deleted by Mah. 47 of 1981, s. 7.

Provided that, a Deputy Director of Land Records shall exercise such powers and discharge such duties and functions, as are exercised or discharged by the Director of Land Records under this Code or under any law for the time being in force in such cases or classes of cases, as the State Government or Director of Land Records may direct.

(2) The Circle Officer and the Circle Inspector in charge of a circle shall exercise such powers over the Talathi in his circle and perform such duties and functions as may from time to time be prescribed.

(3) The Talathi shall be responsible for the collection of land revenue and all amounts recoverable as arrears of land revenue, and for the maintenance of the record of rights and shall perform all such duties and functions as are hereinafter provided by this Code or any law for the time being in force or by order of the State Government.

(4) Subject to the general orders of the State Government and the Commissioner, the Collector shall determine from time to time what registers, accounts and other records shall be kept by a *Talathi*.

(5) It shall also be the duty of a *Talathi* to prepare, whenever called upon by any superior revenue or police officer of the taluka or district to do so all writings connected with the concerns of a village which are required either for the use of the Central or State Government or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters.

(6) All other revenue officers shall discharge such duties and functions as the State Government may direct.

**15.** The State Government may confer on any person possessing the prescribed qualifications, the powers conferred by this Code on an Assistant or Deputy Collector or Tahsildar.

Conferral by State Government of powers of revenue officers on other persons.

**16.** The State Government shall from time to time by notification in the *Official Gazette* prescribe what revenue officers shall use a seal; and what size and description of seal shall be used by each of such officers.

Seals.

*Provisions for recovery of money, papers or other Government property.*

**17.** (1) The Collector or the Superintendent of Land Records or any other officer deputed by the Collector or the Superintendent for this purpose, shall, in all cases in which he may have a claim on any revenue officer or on any person formerly employed as such in his department or district for public money or papers or other property of the State Government, by writing under signature and his official seal, if he uses one, require the money, or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

Demands for money, papers, etc. to be made known in writing to person concerned. etc.

(2) If the officer or other person aforesaid does not discharge the money, or deliver up the papers or property as directed, the Collector, Superintendent or

such other officer may cause him to be apprehended, and may send him with a warrant, in the form of Schedule A, to be confined in a civil jail till he discharges the sums or delivers up the papers or property demanded from him :

Provided that, no person shall be detained in confinement by virtue of any such warrant for a longer period than one calendar month.

Public  
moneys may  
also be  
recovered  
as arrears  
of revenue ;  
and search  
warrant may  
be issued  
for recovery  
of papers or  
property.

**18.** (1) The Collector of his own motion if the officer or other person is or was serving in his department and district, and upon the application of the Superintendent of Land Records if such officer or person is or was serving in the survey department in his district, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Code for the recovery of arrears of land revenue from defaulters and for the purposes of recovering public papers or other property of the Government may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the \*Code of Criminal procedure, 1898.

(2) It shall be the duty of all persons in possession of such public moneys, papers or other property of the Government to make over the same forthwith to the Collector, and every person knowing where any such property is concealed shall be bound to give information of the same to the Collector.

Officer or  
person in jail  
may secure  
his release  
by furnishing  
security.

**19.** If an officer or other person referred to in section 17 against whom a demand is made shall give sufficient security in the form in Schedule B, the Collector shall cause such officer or person if in custody to be liberated and countermand the sale of any property that may have been attached and restore it to the owner.

### CHAPTER III.

#### OF LANDS.

Title of State  
in all lands,  
public roads,  
etc., which  
are not  
property of  
others.

**20.** (1) All public roads, lanes and paths, the bridges, ditches, dikes and fences on, or beside, the same, the bed of the sea and of harbours and creeks below the high water mark, and of rivers, streams, nallas, lakes and tanks and all canals and watercourses, and all standing and flowing water, and all lands wherever situated, which are not the property of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of the State Government and it shall be lawful for the Collector, subject to the order of the Commissioner, to dispose of them in such manner as may be prescribed by the State Government in this behalf, subject always to the rights of way, and all other rights of the public or of individuals legally subsisting.

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\* See now the Code of Criminal Procedure, 1973 (2 of 1974).