

Explanation.—In this section, “high water-mark” means the highest point reached by ordinary spring tides at any season of the year.

(2) Where any property right in or over any property is claimed by or on behalf of the Government or by any person as against the Government, it shall be lawful for the Collector or a survey officer, after formal inquiry of which due notice has been given, to pass an order deciding the claim.

(3) An order passed by the Collector or survey officer under sub-section (1) or sub-section (2) shall, be subject to one appeal and revision in accordance with the provisions of this Code.

(4) Any suit instituted in any civil court after the expiration of one year from the date of any order passed under sub-section (1) or sub-section (2) or, if appeal has been made against such order within the period of limitation, then from the date of any order passed by the appellate authority, shall be dismissed (though limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that in the case of an order under sub-section (2) the plaintiff has had due notice of such order.

(5) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the State Government.

21. (1) Whenever it appears to the Collector that any public road, lane or path which is the property of the State Government or part thereof (hereinafter in this section referred to as the Government road), is not required for the use of the public, the Collector may, by notification published in the *Official Gazette*, make a declaration to that effect and state in such declaration that it is proposed that the rights of the public in or over such Government road (of which the situation and limits as far as practicable are specified) shall subject to the existing private rights, if any, be extinguished.

Extinction of rights of public in or over any public road, lane or path not required for use of public.

(2) On the publication of such notification, the Collector shall, as soon as possible, cause public notice of such declaration to be given at convenient places on, or in the vicinity of, such Government road, and shall invite objections to the proposal aforesaid.

(3) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over such Government road, or having any other interest or right which, is likely to be adversely affected by the proposal may, within ninety days after the issue of the notification under sub-section (1) state to the Collector in writing his objections to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected, and the amount any particulars of his claim to compensation for such interest or right :

Provided that, the Collector may allow any person to make such a statement after a period of ninety days aforesaid if he is satisfied that such person had sufficient cause for not making it within that period.

(4) The Collector shall give every person who has made a statement to him an opportunity of being heard either in person or by legal practitioner and shall, after hearing all such persons in such manner and after making such further