

CHAPTER IX.

BOUNDARY AND BOUNDARY MARKS.

Fixation and
demarcation
of
boundaries.

132. Boundaries of all villages in the State and of all survey numbers in villages therein shall be fixed and demarcated by boundary marks :

Provided that, in the villages in the districts of Nagpur, Chanda, Wardha and Bhandara and Melghat Taluka of the Amravati District, the boundaries of survey numbers shall be fixed and demarcated by boundary marks with effect from such date as the State Government may, by notification in the *Official Gazette*, direct.

Determination
of village
boundaries.

133. The boundaries of villages shall be fixed, and all disputes relating thereto shall be determined by survey officers, or by such other officers as may be appointed by the State Government for the purpose, after holding a formal inquiry at which the village officers and all persons interested have an opportunity of appearing and producing evidence.

Determination
of field
boundaries.

134. If at the time of a survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation and, if disputed, or if the said holder or person in occupation be not present, it shall be fixed by the survey officer according to the land records and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

Disputes
regarding
boundaries
between
villages,
survey
numbers and
sub-
divisions.

135. If any dispute arises concerning the boundary of a village or a field or a holding which has not been surveyed, or if at any time after the completion of a survey a dispute arises concerning the boundary of any village or survey number or sub-division of a survey number, it shall be decided by the Collector after holding a formal inquiry at which the village officers and all persons interested shall have an opportunity of appearing and producing evidence.

Demarcation
of bound-
aries of
survey
number or
sub-division.

136. (1) The Collector may, on the application of a party interested, demarcate the boundaries of a survey number or of a sub-division and construct boundary marks thereon.

(2) The State Government may make rules for regulating the procedure of the Collector in demarcating the boundaries of a survey number or of a sub-division, prescribing the nature of the boundary marks to be used, and authorising the levy of fees from the holders of land in a demarcated survey number or sub-division.

(3) Survey numbers and sub-divisions demarcated under the provisions of this section shall be deemed to be survey numbers for purposes of sections 132, 135, 139 and 140.

137. (1) When any person (in this section referred to as the applicant) desires to regularise or straighten out the boundaries of any of his fields or holdings in a village, he may make an application in that behalf to the Survey Officer.

Straightening
out crooked
boundaries.

The application shall be accompanied by a sketch showing the boundaries of his field or holding, and the names of holders adjoining thereto.

(2) If on receipt of the application, the Survey Officer in the interest of better cultivation of the field or holding and easier maintenance of boundary marks, deems it expedient to regularise or straighten out the boundaries of the filed or holding as desired by the applicant, he may, subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, prepare a plan to revise the boundaries of such field or holding and for payment of compensation by the applicant to persons who would suffer loss of land on account of such revision and publish the same in village in such manner as may be prescribed by rules. In revising the boundaries, the survey officer shall be guided by such rules as may be made by the State Government in this behalf. The amount of compensation shall be determined by him, so far as practicable, in accordance with the provisions of section 23 of the Land Acquisition Act, 1894.

Bom.
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1947.

I of
1894.

(3) If the applicant and the persons who suffer loss of land agree to the plan prepared by the Survey Officer, the Survey Officer shall record their agreement and revise the boundaries and fix them accordingly. Such agreement shall be binding on the applicant and such persons and the amount of compensation payable by any person thereunder shall be recoverable from him as an arrear of land revenue.

(4) (a) In the absence of mutual agreement, the Survey Officer shall refer the question of the amount of compensation to be paid or recovered by each person concerned under the plan for decision—

(i) to a village committee consisting of such number and elected by the applicant and persons suffering loss of land in such manner as may be prescribed by rules ;

(ii) on the failure to elect such village committee, to a committee consisting of three persons nominated by the Survey Officer not below the rank of the District Inspector of Land Records with the approval of the Superintendent of Land Records.

(b) The decision of the village committee or the committee nominated by the Survey Officer of the rank of District Inspector of Land Records, as the case may be, shall be final and binding on all the parties concerned. The amount of compensation payable by the applicant thereunder shall be recoverable from him as an arrear of land revenue. When such decision is given, the plan prepared by the Survey Officer, so far as it relates to revision of boundaries, shall also become final and the boundaries shall be deemed to be fixed accordingly.

(5) When the boundary is so fixed under this section, it shall be deemed to be a settlement of boundary for the purposes of section 138.

Effect of
settlement of
boundary.

138. (1) The settlement of a boundary under any of the foregoing provisions of this Chapter shall be determinative—

(a) of the proper position of the boundary line or boundary marks, and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

(2) Where a boundary has been settled as aforesaid the Collector may at any time summarily evict any land holder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

(3) An order of ejectment under sub-section (2) shall, subject to the provisions of sub-sections (4) and (5), be subject to appeal and revision in accordance with the provisions of this Code.

(4) Where any person has been ejected or is about to be ejected from any land under the provisions of sub-section (2), he may, within a period of one year from the date of the ejectment or the settlement of the boundary, institute a civil suit to establish his title thereto :

Provided that, the State Government or the Collector, or any Revenue or Survey Officer as such, shall not be made a party to such suit.

(5) Where a civil suit has been instituted under sub-section (4) against any order of ejectment, such order shall not be subject to appeal or revision.

(6) The Collector may at any time make an order for redistribution of land revenue which, in his opinion, should be made as a result of the decision of the appeal or revision, or as the case may be, the suit, and such redistribution shall take effect from the beginning of the revenue year following the date of the order.

Construction
and repairs
of boundary
marks of
survey
numbers and
villages, etc.

139. (1) It shall be lawful for any Survey Officer authorised by a Superintendent of Land Records, or Settlement Officer, to specify or cause to be constructed, laid out, maintained or repaired boundary marks and survey marks of villages or survey numbers or sub-divisions of survey numbers, whether cultivated or uncultivated and to assess all charges incurred thereby on the holders or others having an interest therein.

(2) Such officer may by notice in writing require landholders to construct, lay-out, maintain or repair within a specified time, the boundary marks or survey marks of their respective survey numbers or sub-divisions ; and on their failure to do so the Survey Officer shall construct, lay-out or repair them and assess all charges incurred thereby as hereinbefore provided.

(3) The boundary marks and survey marks shall be of such description and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules made by the State Government in this behalf, be determined by the Superintendent of Land Records, according to the requirement of soil, climate, durability and cheapness of materials.

140. Every landholder shall be responsible for the maintenance and good repair of the boundary marks and survey marks of his holding, and for any charges reasonably incurred on account of the same by the Revenue or Survey Officers in cases of alteration, removal or disrepair. It shall be the duty of the Village Officers and servants to prevent the destruction or unauthorised alteration of the village boundary marks or survey marks.

Responsibility for maintenance of boundary marks and survey marks.

141. Where a survey is introduced into a district, the charge of the boundary marks and survey marks shall devolve on the Collector, and it shall be his duty to take measures for their construction, laying out, maintenance and repair, and for this purpose the powers conferred on Survey Officers by section 139 shall vest in him.

Collector to have charge of boundary marks and survey marks after introduction of survey.

142. (1) Unless the boundaries of his land are demarcated and fixed under any of the foregoing provisions of this Chapter, every holder of the land adjoining a village road shall, at his own cost and in the manner prescribed,—

Demarcation and maintenance of boundary marks between holding and village road.

(a) demarcate the boundary between his land and village road adjoining it by boundary marks ; and

(b) repair and renew such boundary marks from time to time.

(2) If the holder fails to demarcate the boundary or to repair or renew the boundary marks as required by sub-section (1), the Collector may, after such notice as he deems fit, cause the boundary to be demarcated or the boundary marks to be repaired or renewed and may recover the cost incurred as an arrears of land revenue.

(3) In the event of any dispute regarding the demarcation of the boundary or the maintenance of the boundary marks in proper state of repair the matter shall be decided by the Collector whose decision shall be final.

Explanation.—Village road for the purposes of this section means in the districts of Nagpur, Chanda, Wardha and Bhandara and Melghat taluka in the Amravati District a road which bears an indicative *Khasra* number ; and in the rest of the State, a road which has been recorded in the record of rights or village maps.

143. (1) The Tahsildar may inquire into and decide claims by persons holding land in a survey number to a right of way over the boundaries of other survey numbers.

Right of way over boundaries.

(2) In deciding such claims, the Tahsildar shall have regard to the needs of cultivators for reasonable access to their fields.

(3) The Tahsildar's decision under this section shall, subject to the provisions of sub-sections (4) and (5), be subject to appeal and revision in accordance with the provisions of this Code.

(4) Any person who is aggrieved by a decision of the Tahsildar under this section may, within a period of one year from the date of such decision, institute a civil suit to have it set aside or modified.

(5) Where a civil suit has been instituted under sub-section (4) against the Tahsildar's decision, such decision shall not be subject to appeal or revision.

Demarcation of boundaries in areas under town planning scheme or improvement scheme, or consolidation scheme. **144.** As soon as possible after a final town planning scheme or improvement scheme or a scheme for the consolidation of holdings has come into force in any area under any law in force in the State, it shall be the duty of the Collector to alter the boundaries fixed and demarcated under the provisions of this Chapter, so as to accord with the plots, reconstituted or laid out or consolidated under such scheme, and for that purpose, he may cause to be erected, constructed and laid out boundary marks of such plots and thereupon, the provisions of this Chapter for the recoveries of charges shall apply to each plots as they apply in relation to the construction, maintenance and repair of boundary marks.

Penalty for injuring boundary marks. **145.** Any person who after a summary inquiry before the Collector, or before Survey Officer, Tahsildar or Naib-Tahsildar, is proved to have wilfully erased, removed or injured a boundary mark or survey mark shall be liable to a fine not exceeding one hundred rupees for each mark so erased, removed or injured.

Power to exempt from operation of this Chapter. **146.** The State Government may, by notification in the *Official Gazette*, declare that all or any of the provisions of this Chapter shall not apply to any village or class of villages.

CHAPTER X.

LAND RECORDS.

A—Record of Rights.

Exemption from provisions of this Chapter. **147.** The State Government may, by notification in the *Official Gazette*, direct that the provisions of sections 148 to 159 (both inclusive) or any part thereof, shall not be in force in any specified local area, or with reference to any class of villages or lands, or generally.

Record of Rights. **148.** A record of rights shall be maintained in every village and such record shall include the following particulars :—

- (a) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land or assignees of the rent or revenue thereof ;
- (b) the names of all persons who are holding as Government lessees or tenants including tenants within the meaning of relevant tenancy law ;
- (c) the nature and extent of the respective interests of such person and the conditions or liabilities, if any, attaching thereto ;
- (d) the rent or revenue, if any, payable by or to any of such persons ;
- (e) such other particulars as the State Government may prescribe by rules made in this behalf, either generally or for purposes of any area specified therein.

Maintenance of record of rights etc., by using suitable storage device. ¹**148A.** The record of rights maintained under section 148 and the land records maintained under the other provisions of this Chapter may also be so maintained by using a suitable storage device.]

Acquisition of rights to be reported. **149.** Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any rights as holder, occupant, owner, mortgagee, landlord, Government lessee or tenant of the land situated in any part of the State or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the *Talathi* within three months from the date of such acquisition, and the said *Talathi* shall at once give a written acknowledgement of the receipt of such report to the person making it :

¹ Section 148A was inserted by Mah. 43 of 2005, s. 3.