

Wajib-ul-arz. **165.** (1) As soon as may be after this Code comes into force, the Collector shall, according to any general or special order made by the State Government in that behalf, ascertain and record the customs in each village in regard to—

- (a) the right to irrigation or right of way or other easements ;
- (b) the right to fishing ;

in any land or water belonging to or controlled or managed by the State Government or a local authority, and such record shall be known as the *Wajib-ul-arz* of the village.

(2) The record made in pursuance of sub-section (1) shall be published by the Collector in such manner as he may deem fit and it shall, subject to the decision of a Civil Court in the suit instituted under sub-section (3), be final and conclusive.

(3) Any person aggrieved by any entry made in such record may, within one year from the date of the publication of such record under sub-section (2), institute a suit in a Civil Court to have such entry cancelled or modified.

(4) The Collector may, on the application of any person interested therein or on his own motion, modify any entry or insert any new entry in the *Wajib-ul-arz* on any of the following grounds :—

- (a) that, all persons interested in such entry wish to have it modified ; or
- (b) that, by a decree in a civil suit, it has been declared to be erroneous ; or
- (c) that, being founded on a decree or order of a Civil Court or on the order of a revenue officer, it is not in accordance with such decree or order ; or
- (d) that, being so founded, such decree or order has subsequently been varied on appeal, revision or review ; or
- (e) that, the Civil Court has by a decree determined any custom existing in the village.

Regulation of
fishing ^{1***}
etc.

166. (1) The State Government may make rules for regulating,—

- (a) fishing in Government tanks ;
- (b) the removal of any materials from lands belonging to the State Government.

(2) Such rules may provide for the issue of permits, the conditions attaching to such permits and the imposition of fees therefor and other incidental matters.

Punishment
for contra-
vention of
provisions.

167. (1) Except as otherwise provided in this Code, any person who acts in contravention of the provisions in sections 161 to 166 or rules made under section 166 or who contravenes or fails to observe any rules or custom entered in the *Wajib-ul-arz* or commits a breach of any entry entered in the *Nistar Patrak* shall be liable to such penalty not exceeding rupees one thousand as the Collector may, after giving such person an opportunity to be heard, deem fit ; and the Collector may further order confiscation of any produce, or any other produce which such person may have appropriated or removed from lands belonging to the State Government.

(2) Where the Collector passes an order imposing a penalty under this section, he may direct that the whole or any part of the penalty may be applied to meeting the cost of such measures as may be necessary to prevent loss or injury to the public owing to such contravention, breach or non-observance.

¹ The word " hunting " was deleted by Mah. 30 of 1968, s. 5.