

No L.R 435 of 1932
Poona, 17th October 1932

Read :

(1) Rule 9 of the PHS Rules stating that when the boundary of a SNos is found to depart to any considerable extent from that shown in the Survey Records, the new boundary must be maintained except in cases where one party has expressed his intention of appealing to the Collector. Every such cases must be tested by the Nimtandar "

(2) SLRCD's No 3168 dated 10 10 1914 stating that "In measuring as a rule possession should be the chief guide. The present tedious practice of fixing missing boundary marks by taking the old base line should not, except in exceptional cases, be followed. The point can be fixed roughly by intersection "

(3) DLR's No LR 34 dated 25 4 1919 stating that 'shoule a dispute arise between the parties, the Collector will settle it under Section 119 to 121, LRC and our records in such an event follow his decision "

"Attention is invited to rules 9 and 11 of the PH Rules by PT which prescribe, what is to be done in such cases "

(4) DLR's No LR 25 of 9 12 20 which applies to cases "when filed boundary marks are not in existence, which state of is confined to rice lands in...

(5) SLRCD's No PHS 3 of 6 1 1921

(6) DLR's No LR 25 of 31 1 1921 stating that "as to legality, new Land Revenue Rules will put this beyond doubt" and 'Whether he is present or not, we do not alter the existing state of things until one party has expressed his intention. We do not seek to make him express it.'

(7) DLR's No SV 523 of 1 10 26 stating that "It has been pointed out that some times in an old PH Survey a boundary was laid down pointed out by one occupant (Hissedar) only. Subsequently when that hissa or an adjacent hissa has to be again divided, the holder of that other hissa may now be present and point out a different boundary, when the surveyor finds that the boundary now shown does not coincide with that previously mapped, he will have to report on that point and make it clear (where possible) whether the difference in the previous boundary was due to error of survey or a different vahiwat being now indicated. When there was an error or when it is admitted by the parties that a mistake in the line was made, it should now be corrected. The revision of the Akarphed patrak and map should not then be confined to the Hissas now newly divided, but also must extend to these in which

error has been pointed out Such cases of course cannot but be rare "

(8) Rule 15(2) of the LR Rules according to which changes in SNos and Sub-divisions are to be incorporated in Land Records, if they" are made under orders of competent authority as defined in the Code and these rules or any other act."

(9) Note 43 (iii) under Rule 23 of the LRC Rules which states about encroachment i.e changes in boundary that we must obviously either restore the old boundary or accept the new (R 3630-97) It will depend upon agreement of parties and the evidence "

(10) DLR's No LR 435 of 18 3 1932 stating that "when there is a change in the boundaries, the Revenue Officers" sanction should first be obtained

(11) This office No LR 435 of 26th May 1932 discontinuing the practice in Division of obtaining sanction of the SLR in case of changes in boundary and directing that under Sec 119 Sub-para 2 read with DLR's No in para 10 above, such cases should be sent to the Revenue Officer for sanction

O R D E R

Since I have joined in this Division, I have noticed numerous cases of changes in boundaries on the strength of vahiwat and when asked for authority, the SM was good enough to quote and supply copies of 1 to 6 above In case of changes in boundary of SNos SLR's sanction was obtained and in case of changes in the boundary of hissas, no sanction was obtained In this office No LR 435 of 26 9 32, it has been directed that sanction in case of changes in boundaries should be obtained from the Revenue Authorities The question is further raised whether this order of 26 5 1932 applies to Hissas also Before deciding this point, I would like to discuss 1 to 6 relied upon by the Mamlatdar

2 As has been stated in this office order of May 32, (1) Rule 9 says the present boundary should be confirmed except under certain circumstances, but it does not state, whose sanction is to be obtained for the change No (2) objects to the elaborate process and says that possession should ordinarily be followed, and in case of doubt, the point should be fixed roughly by intersection No (3) Supports the local view, but does not give any powers to the SM or SLR to sanction changes Nos 4 to 6 apply to exceptional cases of clocks of land where fixed boundary marks have entirely disappeared which is the case in rice lands in village

3 Nos 7 to 10 are very clear and No 11 is based upon them They say that when there is a change in boundaries either the old boundary is to be restored or correction is to be made under proper authority based upon agreement of the parties of evidence, and when there is a change, it is to be ascertained when it is due to previous error to change in vahiwat.

Under Section 119, sub para 2, this will strictly speaking apply to hissas also, but under rule 11 sub-para 2 amalgamation of hissas within a SNo is allowable without sanction and the change in boundary of hissas within a SNo may be taken to be voluntary amalgamation, otherwise work will increase considerably Under para 1 to rule 11, sanction is required for amalgamating two SNos or their parts and sanction should be obtained as directed in this office order of May 1932 Even in case of hissas, it should be ascertained and remarked in the remarks column of Kabjedar Yadi whether the change is due to an error or change in Vahiwat and signature of parties present should be taken in the remark column of Kabjedar Yadi and Bulk of the hissas (about 75 p.c) tasted by the Nimtandar, and SM or DI should consists of such hissas Under the excuse of vahiwat measurers usurp the powers of the Collector and even of the Civil Court in some cases and play mischief In the villages of Kurli and Wazar in Khanapur Taluka, Dist Satara PHS Measurers and Field Party Surveyors did survey a part from duplication of work, there was considerable difference in the surveys of both establishments each justifying its work on the basis of vahiwat which could not have changed within a short period and the SM and DI even after joint local inspection, are not able satisfactory to say which work is wrong and to fix responsibility This is one typical instance There are several such cases

4 One more point requires mention viz (1) the measurer should measure hissas entered in the R of R only or all hissas he finds on the spot and (2) whether he can change the hissas in the R of R according to his information and enquiry At present he is allowed to measure all hissas whether entered in the R of R and make changes in the names This should cease This is up-keep work, not original Record of Right has been record of liability since a long time and is ordinarily correct and upto date, The measurers should follow the R of R if any party approaches them for any change, he should be advised to get entries made in the Diary of mutations Under the present practice, Surveyors play much mischief I had come across a few cases in aujarat and may in Thana and during my short period here and in ND I had issued orders as now passed Besides under the existing practice, the legal provision of using public notice for verification by Superier Revenue Officer for each mutation are ignored I have also come across such complaints Mr Moghe's experience is similar I know that in some cases, R of R will remain incomplete but at this stage, it will not be much and I would propose this incompletness to the mischief, dispute and correspondence under the present practice

5 In the statement of new hissas at the village, the Mamlatdar should make an endorsment stating so many hissas (e.g 50) in SNos (e.g 12-15-35 & C) are measured on dates (e.g 12-18-/ 4-33) and so many hissas (e.g 10) in SNos (e.g 22-52) are not measured for reasons shown in the remark column of each SNo and sign it clearly and fully dating it. The Nimtandar and Inspecting Officer should verify it and see that he has not left any work undone which should have been done

Sd/xxx
SSLRCD

To,

The Commissioner, CD with compliments
The Commissioner, SD with Compliments
The SLRND
The SLRSD with compliments
DILRs in CD
The SMCD

Instruction regarding the preservation and correction of C.T.S. records in the towns and villages where the City Survey has been introduced without maintenance.

In G R, RD No 351/ 28 of 30 8 1929, the DILRs proposal to introduce City Surveys in some towns and villages and to dispense with the Record of Right and its maintenance has been sanctioned. In the same G R, it is directed that no arrangement for the maintenance of City Survey should be made for the present. In some City Surveys such as Sangamner, Wambori etc, the services of MSs have already been dispensed with and separate orders regarding their maintenance have already been issued. The same procedure has been adopted in some village site surveys. In these places, the orders already issued will stand, but for all other City Surveys, they have been or will be taken up after the issue of the G R without maintenance, the following instructions are issued

(1) The CTS work will be completed in all respects, as in past City Surveys and all the usual papers will be prepared. The maps will also be printed and the following papers will be kept in the City Survey Offices

- (a) One set of index sheets and traverse patra
- (b) Two sets of printed sheets cloth mounted
- (c) The Copy of the combined map cloth mounted with roller
- (d) SI Files (all cases filed by E.O)
- (e) Enquiry Registers
- (f) Encroachment Register
- (g) Abstract
- (h) The Property Register

The original sheets and all other printed maps will be kept in the DSO (or CRC in Gujrahat)

(2) Papers at (a) and (b) should be kept flat in the sliding tray-cupboard and not rolled nor folded

Paper at (c) to be hung up in the Mamlatdar's Office

Papers at (d) and (f) to be kept in the SI Cupboard

Paper at (e) and (b) to be kept in part of SI (Cupboard)

Papers at (g) to be maintained by the officer

(3) The following dead stock articles should be supplied -

(a) Sliding Tray-cupboard

(b) Self-Index Cup-board

(c) Scale Patti of the scale to which the maps are drawn and a tape

(d) A box for original sheets in the DSO

All these articles should be supplied as soon as the city survey is started and the cost should be included in the cost of the survey

All these papers should always be kept in the Mamlatdar's office particularly in the Records Room dully locked and handled very carefully when required, as they are important and valuable papers and the Mamlatdar should make one clerk responsible for its safe and proper cust.

(4) Though the City Survey Maintenance is stepped, the following work will have to be done in such town As the Record of Rights, is not applied, no cognizance will be taken of any changes in the private ownerships of privately owned properties, but when any change taken place in the land vesting government (e g by granting of sites or Acquisition etc) The necessary measurement will have to be made and the PR and the maps corrected accordingly This should be done by the CS under the supervision of the DI

(a) **Inspection and maintenance of Theodolite stones** : This is very important work and the Theodolite frame work will have to be maintained, as it is the main basis of the whole survey Therefore all the stones must be inspected by a CS and DS in such a way that the inspection of all T Stones may be completed in 3 years with the help of the printed sheets and tie lines given in traverse patraks and the result reported to the DI regularly every year, so that he may take steps to replace the missing stones in time

(b) All the necessary correspondence work will be carried on by the Mamlatdar's officer under the City Survey No itself and the case kept in the SI File in serial order of that No

(c) Measurement cases of acquisition enchorchments, grants of lands etc should be disposed of by the CS of that Taluka at the cost of the party concerned except where the work is Government.

(d) No changes at all shoule be made in Enquiry Register, which shows the state of affairs

at the time of enquiry only All further changes will be made in the P R

(e) In the Encroachment Register the final disposal of each should be noted in the Remarks Column and new encroachments detected should be shown in this Register with the figures and dimensions before the necessary report is submitted to higher authorities and disposal should be watched from this Register This should be done by the Talathi or the CI

(f) Abstract of City Survey prepared after enquiry will be maintained, corrected and brought uptodate every year at the time of Jamabandi by the Talathi of the Village

5/- The DI should visit each office every year in his tows, test the measurement work done by CS, examine the corrections made in the map, inspect some Theodolite stations, and see that all the CTS papers are properly and carefully preserved and that all the cases of the SI files are arranged properly and submit his inspection Memo as usual

Sd/- C.D. Kavi
SSLRC