



# Bombay Government Gazette.

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*Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the Conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

#### Bill No. 10 of 1873.

*An Act to provide for the preservation of the survey, demarcation, and for the record of transfers of land in the City of Bombay, in the Collector's Office, and for the prevention of encroachments.*

WHEREAS a survey, demarcation, and registration of lands in the City of Bombay, has been recently made by order and under the authority of Government; and it is expedient to provide for the preservation of the same; and whereas it is further expedient to prevent encroachments in the said City of Bombay, it is therefore enacted as follows:—

I. This Act shall be called the Bombay City Survey Act, and the provisions hereinafter contained, shall extend only to the City of Bombay, which, for the purposes of this Act, shall denote such places as are within the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay.

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II. The survey, demarcation, and registration of lands in the City of Bombay, made by order of Government during the years 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, shall be deemed to have been duly and lawfully made, and the survey marks erected during such Survey on any such lands shall be deemed to have been lawfully erected thereon; and any person who shall wilfully destroy, deface, injure, or remove any such survey mark, shall be liable, on conviction, to a penalty not exceeding Fifty Rupees.

III. It shall be lawful for the Collector of Bombay, or for his Agents in that behalf duly authorized by writing under the Collector or his authorized agents may enter upon lands.

hand of the said Collector, to enter upon any lands for the purpose of inspecting the survey marks erected thereon, or of renewing or repairing such survey marks.

IV. In the event of any of the said Collector may require owners or occupants of lands to renew or repair survey marks thereon. destroyed, defaced, injured, or removed, it shall be lawful for the Collector of Bombay to require the owners or occupants of the lands on which such survey marks were erected, to renew or repair the same at their own expense. Such requisition shall be made in manner following:—

The Collector of Bombay shall cause to be served on each owner or occupant of any lands, on which such survey marks shall have been destroyed, defaced, injured, or removed, a requisition in writing, signed by the said Collector, calling on such owner or occupant to renew or repair the said survey marks, at his own expense, within 15 days from the date of the service of such requisition.

V. If the said survey marks be not renewed or repaired within the space of 15 days from the date of the service of the last mentioned requisition, it shall be lawful for the Collector of Bombay, or his Agents authorized as hereinbefore mentioned, to enter upon the lands on which the said survey marks were erected, and to renew or repair the said survey marks; and for each such survey mark so renewed or repaired, it shall be lawful for the Collector of Bombay to charge the owner or occupant on whose lands such survey marks shall have been so renewed or repaired, a sum not exceeding Rs. 5. All sums payable under the provisions of this section, in respect of charges for the renewal or repair of the survey marks, as hereinbefore mentioned, shall be realized as revenue demands, under the provisions of Section IV. of Regulation XIX. of 1827.

VI. No person or persons shall take possession of, or appropriate to any use whatsoever, any portion of the foreshores below high water mark situate on the line of coast surrounding the City of Bombay without the license of the Government of Bombay, in that behalf first obtained.

VII. In the event of any encroachments being made after the passing of this Act on any Government lands or foreshore, it shall be lawful for the Collector of Bombay to charge the person or persons making such encroachment, double valuation and double annual rent for the same; and such encroachment shall then be added to the holding of the person or persons making such encroachment, if they have any holdings, and shall be entered accordingly in the Rent Rolls. But nothing herein contained shall be held to prevent the Collector of Bombay, or his Agents duly authorised by writing under his hand, who are hereby invested with full authority on that behalf, from summarily abating or removing any such encroachments instead of allowing them to remain in the possession of, or adding them to the holding of the person or persons making the encroachments, if the Collector of Bombay shall deem it advisable so to do.

Encroachments on Government land, or foreshore, after passing of the Act.

Collector of Bombay or persons making

Collector may charge double valuation and rent for encroachment.

Collector may abate or remove encroachment.

VIII. For the purposes of the preceding section, the valuation of any such encroachment as is therein mentioned, shall be fixed by the Collector of Bombay, according to the market value of land of the same character, in the same neighbourhood, or at such other value as the Collector of Bombay, with the sanction of Government previously obtained, shall determine. And the annual rent of any such encroachment shall be calculated at the same rate as the annual rent of the holding to which such encroachment may be added, or at the same rate as the rent of land of the same character in the vicinity, as the Collector of Bombay may deem expedient.

IX. In cases of all encroachments made before the passing of this Act, it shall be lawful for the Collector of Bombay to charge the person or persons who made such encroachments or in occupation for less than 20 years, double valuation and double arrears of rent, from the date of the making of the encroachments, and double rent for the future.

Encroachments made before the passing of the Act how to be dealt with.

X. For the purposes of the last preceding section, the amount by which any holding shall, by the survey in the second section hereof mentioned, have been found to exceed the area of such holding, as entered in the Collector's records at the date of passing of this Act, shall be held to be an encroachment; and the valuation and annual rent payable in respect of the same shall be calculated according to the rates of the valuation and rent paid in respect of the holding in excess of which such encroachment was made, or in case there is no holding at such rate, as the Collector, with the sanction of Government, may fix.

What are to be considered encroachments made before the passing of the Act.

Valuation and rent payable in respect thereof, how to be calculated.

according to the rates of the valuation and rent paid in respect of the holding in excess of which such encroachment was made, or in case there is no holding at such rate, as the Collector, with the sanction of Government, may fix.

XI. All moneys payable under the provisions of this Act, on account of valuation or rent due in respect of any encroachment, shall, in default of payment, be levied and realized in the same manner as revenue demands under the provisions of Section IV. of Regulation XIX. of 1827.

Moneys payable on account of encroachment how to be realized.

in respect of any encroachment, shall, in default of payment, be levied and realized in the same manner as revenue demands under the provisions of Section IV. of Regulation XIX. of 1827.

XII. All arrears of rent payable by any person or persons in respect of the occupation of any house, the property of Government, and situate within the City of Bombay, shall be realized in the same manner as other revenue demands under the provisions of Section IV. of Regulation XIX. of 1827.

Arrears of rent of houses, the property of Government, how to be realized.

within the City of Bombay, shall be realized in the same manner as other revenue demands under the provisions of Section IV. of Regulation XIX. of 1827.

XIII. Fees shall be payable according to the table in the Schedule hereunto annexed, on all warrants issued for the purposes of this Act, under the provisions of Section IV. of Regulation XIX. of 1827, for the attachment and sale of the properties of defaulters, by the person or persons in respect of whose property such warrants are issued, provided that an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

Fees payable in respect of warrant for attachment and sale of property of defaulters.

under the provisions of Section IV. of Regulation XIX. of 1827, for the attachment and sale of the properties of defaulters, by the person or persons in respect of whose property such warrants are issued, provided that an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

Additional fee payable when property is placed in charge of peons.

XIV. All fees payable under the preceding section of this Act, shall be collected and levied in the

Fees how to be levied and collected.

same way as revenue demands under Section IV. of Regulation XIX. of 1827, and shall be credited to the Land Revenue.

XV. Whenever the possession of any lands, houses, or other immoveable property, within the City of Bombay, subject to the payment of rent to Government, shall be transferred or assigned, the person or persons transferring or assigning the same, and the person or persons to whom the same are transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector of Bombay, within twenty days after the completion of such transfer or assignment.

Notice of transfer of lands, &c., to be given to the Collector within twenty days.

of rent to Government, shall be transferred or assigned, the person or persons transferring or assigning the same, and the person or persons to whom the same are transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector of Bombay, within twenty days after the completion of such transfer or assignment.

XVI. Every person neglecting to give the notice required by the last preceding section, within the time therein specified, shall forfeit and pay a fine not exceeding Rs. 100, or, at the discretion of the Collector of Bombay, a fine of one rupee per diem from the expiration of the twenty days aforesaid until the date of the imposition of such fine by the said Collector.

Penalty in case of default of such notice.

Such fines may be levied by the said Collector as Revenue demands under the provisions of Section IV. of Regulation XIX. of 1827.

Fines how to be levied and credited.

Such fines may be levied by the said Collector as Revenue demands under the provisions of Section IV. of Regulation XIX. of 1827.

XVII. Every person transferring the possession of such lands, houses, or other immoveable property as aforesaid, without giving the notice required by Section XV. of this Act, shall continue liable to Government for the payment of all rent accruing due in respect thereof, until he shall have given such notice.

Person transferring lands, &c., and omitting to give the required notice, to continue liable to the rent thereof.

Section XV. of this Act, shall continue liable to Government for the payment of all rent accruing due in respect thereof, until he shall have given such notice.

XVIII. Whenever any dispute or question shall arise with respect to the making or completion of any future transfer of the possession of any such lands, houses, or other immoveable property as aforesaid, the Collector of Bombay shall summon all the parties interested in such transfer, and shall call for such evidence and examine such witnesses as he shall consider necessary, and shall thereupon decide summarily whose name or names shall be entered on his Rent Rolls, in respect of such lands, houses, or other immoveable property, provided that any such summary decision of the Collector made under the provisions of this section

Proceeding in cases of disputed transfer.

future transfer of the possession of any such lands, houses, or other immoveable property as aforesaid, the Collector of Bombay shall summon all the parties interested in such transfer, and shall call for such evidence and examine such witnesses as he shall consider necessary, and shall thereupon decide summarily whose name or names shall be entered on his Rent Rolls, in respect of such lands, houses, or other immoveable property, provided that any such summary decision of the Collector made under the provisions of this section

shall be subject and without prejudice to any subsequent orders which may be made by Her Majesty's High Court of Judicature in Bombay.

XIX. The register or transfer of any name or names in the various Rent Rolls belonging to the Office of the Collector of Bombay, shall not effect any relinquishment on the part of Government, of any right, title, or interest in the lands, houses, or other immovable property, in respect of which, any such name or names is so registered or transferred.

XX. It shall be lawful for the Collector of Bombay, whenever he shall require, for the purposes of this Act, or of Regulation XIX. of 1827, Chapter I., the presence of any person in his office, to issue a summons requiring such person to appear at the Collector's Office, either in person or by duly authorized agent, as in the summons shall be specified at the time named therein, and to bring with him and produce to the Collector all such papers and documents as may be required by the said Collector.

XXI. The law in force for the time being with respect to the issue of summonses and commissions, and the compelling the attendance of witnesses, and for their remuneration, in suits before Civil Courts, shall, save as otherwise herein provided, apply to all persons summoned to appear before the Collector under the provisions of this Act.

XXII. All survey maps and records concerning lands situate in the City of Bombay, shall be kept in the Office of the Collector of Bombay, and shall be open to inspection on payment of fees. Fees shall also be charged for certified copies of extracts from the said survey maps and records made by any official in the employment of the Collector of Bombay, and for the pointing out by any such official of the survey marks of any lands in the City of Bombay. A table of such fees shall, after the same shall have been sanctioned by the Government of Bombay, be published in the *Bombay Government Gazette*, and a copy thereof shall be hung up in the said Collector's Office.

To be open to inspection.

Table of fees.

XXIII. For the purposes of this Act, the words *seven days* shall be substituted for the words *twenty days* in Section IV. of Regulation XIX. of 1827, as the period for which, if any occupant shall, after demand of payment fail to discharge the revenue due, it shall be lawful for the Collector to levy the same in the manner in the said section mentioned. Section 29 of Regulation XIX. of 1827 is hereby repealed so far as the same affects the City of Bombay.

XXIV. This Act shall come into force on the day of 187, and shall be taken and read as part of Regulation XIX. of 1827.

Date of Act coming into force.

Construction.

SCHEDULE.

#### SCHEDULE OF FEES.

Table of Fees payable under the provisions of Section of this Act :—

| Sum distrained for.                       |     |       |     |     |     |     | Fee. |    |
|-------------------------------------------|-----|-------|-----|-----|-----|-----|------|----|
|                                           |     |       |     |     |     |     | Rs.  | a. |
| Not exceeding 5 Rupees                    | ... | ...   | ... | ... | ... | ... | 0    | 8  |
| Over 5 Rupees and not exceeding 10 Rupees | ... | ...   | ... | ... | ... | ... | 1    | 0  |
| 10 "                                      | "   | 15 "  | ... | ... | ... | ... | 1    | 8  |
| 15 "                                      | "   | 20 "  | ... | ... | ... | ... | 2    | 0  |
| 20 "                                      | "   | 25 "  | ... | ... | ... | ... | 2    | 8  |
| 25 "                                      | "   | 30 "  | ... | ... | ... | ... | 3    | 0  |
| 30 "                                      | "   | 35 "  | ... | ... | ... | ... | 3    | 8  |
| 35 "                                      | "   | 40 "  | ... | ... | ... | ... | 4    | 0  |
| 40 "                                      | "   | 45 "  | ... | ... | ... | ... | 4    | 8  |
| 45 "                                      | "   | 50 "  | ... | ... | ... | ... | 5    | 0  |
| 50 "                                      | "   | 60 "  | ... | ... | ... | ... | 6    | 0  |
| 60 "                                      | "   | 80 "  | ... | ... | ... | ... | 7    | 8  |
| 80 "                                      | "   | 100 " | ... | ... | ... | ... | 9    | 0  |
| Upwards of 100 Rupees                     | ... | ...   | ... | ... | ... | ... | 10   | 0  |

## STATEMENT OF OBJECTS AND REASONS.

A careful survey of the Town and Island of Bombay, and a demarcation of the different properties therein situated, have recently been completed. Boundary marks erected at some expense, chiefly at the cost of Government, have been laid down, in order that the benefits of the survey and demarcation of estates might not be lost. During the progress of the work, the Officers employed thereon ascertained that many encroachments had been made on Government lands, by the occupants of holdings adjoining such lands. With the view of equitably dealing with these encroachments, regulating the transfers of properties in the Collector's records, and providing for the permanent preservation of the boundary marks defining the different estates, this Bill has been prepared.

(Signed) E. W. RAVENSCROFT.

*By order of His Excellency the Governor in Council,*

JOHN NUGENT,

Acting Under Secretary to Government.