THE RENT RECOVERY ACT, 1853

ACT NO. VI OF 1853

[*Passed on the* 15*th April,*1853.]

Recites transfer of Summary Suit from Judge to Collector, &c. and doubts in certain cases. Enacts:

1,2. *If lands the subject of sale and under one tenure are situate in 2 Collectorates, the sale to be by Collector in whose jurisdiction the greater part lies; and (2) doubt as to the collectorate in which the lands or greater part lie, to be decided by Board of Revenue.*

3, 4, 5, 6. *Defines the meaning of the word "Collectorate." And (4) defines independent deputy to be a Collector; and (5) who is to be deemed an independent deputy; and (6) authorizes notice of sale to be stuck up at cutcherry of independent deputy.*

7. *What powers an independent deputy may exercise, and within what parts.*

8. *Notices to be stuck up at the Adawlut of the Zillah in which sale is to be made.*

9. *Gives validity to orders, sales, & c. made by improper Collector, and to insufficient notices before this Act, unless proceedings to invalidate have been commenced.*

10. *Extends Act 25, 1850, and B.R. 8, 1819, s. 9, subject to modification under B.R. 7. 1832, s. 16.c.1, and Act 25, 1850, to all sales under Act 8, 1835.*

An Act relating to summary suits for arrears of rent, to sales of Putnee Talooks and other saleable tenures, and to sales of land in satisfaction of Summary Decrees for rent.

Whereas, by Regulation VIII. 1831 of the Bengal Code, the hearing and decision of Summary Suits or claims relating to arrears or exactions of rents were transferred from the Judges of the Zilah or City Courts to the Collectors of Land Revenue of the several districts; and whereas by Regulation VII. 1832 of the Bengal Code, the conduct of sales of Putnee Talooks and other saleable tenures under Regulations VIII.1819 and I. 1820 of the same Code, and the performance of other acts preparatory to, or connected with, such sales were transferred of the Collector or Deputy Collector, of Land Revenue, or Head Assistant to the Collector or Deputy Collector subject to an appeal as therein provided; and whereas by Act VIII. 1835, the power theretofore vested in the Judge of the Dewanny Adawlut of selling land satisfaction of Summary Decrees for rent was transferred to the Collectors of Land-Revenue, and it was enacted that all sales for the recovery of arrears of rent held under clause 7, section 15, Regulation VII. 1799, should be conducted by the Collector, his Deputy or duty authorized Assistant, and that ten days' notice should be given of such sales by advertisement to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector ; and whereas it is expedient that Act XXV. 1850, and Section IX. Regulation VIII. 1819, of the Bengal Code, as modified by Clause I, Section XVI. Regulation VII. 1832 of the same Code, and as altered by the said Act XXV. 1850, should be extended to sales under Act VIII. 1835; and whereas doubts may be entertained as to who ought to exercise the jurisdiction transferred by the abovementioned Regulations and Acts, where lands situate within the zillah or other district of one Collector, form part of an entire estate, paying revenue to the Collector of an another Zillah or district;In order therefore to avoid such doubts, and also to define who are the proper Officers to exercise such jurisdictions in cases where lands are situate in a district assigned to an independent Deputy Collector, and also in cases where lands held in putnee, or other tenure, at one entire rent are situate in two or more Collectorates, and to prevent any such decision or sale already made from being held invalid, upon the ground of its having been made by an Officer of a wrong district; It is enacted as follows:

I. If the lands which may be the subject of any such sale, or to the rent of which any such suit may relate, be all situate in one Collectorate, the Collector of such Collectorate is the Collector to conduct the sale, or to hear and decide the suit. If one Talook or tenure shall comprise lands situate in two or more Collectorates, or if any lands situate in two or more Collectorates be held under one lease or engagement

or at one entire rent, the Collector, in whose Collectorate the greater part of such lands shall be situate, is the Collector to conduct the sale of such Talook, or tenure or of such lands, and to hear and decide any summary suit relating to arrears or exactions of rent in respect thereof.

II. If a Collector to whom application shall be made to exercise any of the powers above mentioned shall entertain any doubt as to whether the lands or the greater part of them are situate within his collectorate, he shall report the case for the order of the Board to which he is subordinate, and, if ordered by such Board to proceed in the matter, such order shall be conclusive upon the question of his jurisdiction.

III. The word "Collectorate" in this Act means the zillah or other district to which a Collector is appointed, and no lands situate beyond the limits of such zillah or district shall be deemed to be situate within the Collectorate, by reason of their forming part of an estate paying revenue to the Collector thereof.

IV. An independent Deputy Collector may, within his Deputy Collectorate, exercise all the powers and jurisdictions of a Collector with which he may be entrusted, in the same manner and to the same extent as a Collector may do within his Collectorate, and with reference to the exercise of such powers and jurisdictions, his Deputy Collectorate shall be deemed a Collectorate, and he shall be deemed to be a Collector within the meaning of this Act.

V. An independent Deputy Collector is an Officer appointed by Government to act as Deputy Collector, independently of a Collector, whether his office is one for the receipt of revenue or not.A Deputy Collectorate is the district within which an independent Deputy Collector is directed by Government to act.

VI. In cases of sales by an independent Deputy Collector, under the abovementioned Regulations or Act, any notice thereby required to be stuck up at the Cutcherry of the Collector, may be stuck up at the Cutcherry of the Deputy Collector.

VII. An independent Deputy Collector may exercise the powers assigned to him over any part of his Deputy Collectorate in public Cutcherry, in whatever part of his Deputy Collectorate the same may be situate or held.

VIII. Any notice required by the abovementioned Regulations or Act to be given by advertisement to be stuck up at the cutcherry of the Zillah Court or local *Adawlut* shall be stuck up at the *Zillah* Court or local *Adawlut* within the jurisdiction of which the lands to be sold, or the greater portion of them, as the case may be, shall be situate.

IX. No order, decision, or sale, made in the discharge of any of the duties aforesaid, under any of the aforesaid Regulations, or under the aforesaid Act, before the passing of this Act, shall be disputed, or deemed invalid, upon the ground that the Collector, Deputy Collector, or other Officer making the same, was not the Collector, Deputy Collector or Officer of the proper district; or upon the ground that the Cutcherry, at which notice of such sale was given, was not the Cutcherry of the proper district, unless proceedings shall, previously to the passing of this Act, have been, commenced, for the purpose of disputing the validity of such order, decision, or sale upon such ground.

X. Act XXV. 1850, and Section IX. Regulation VIII, 1819 of the Bengal Code, as modified by Clause I, Section XVI. Regulation VII. 1832 of the same Code, except so far as the same has been altered by the said Act XXV. 1850, are hereby extended to all sales under Act VIII. 1835.

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