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# THE BOMBAY REVENUE JURISDICTION ACT, 1876

## ACT NO. 10 OF 1876

[28*th March*, 1876.]

An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-revenue, and for other purposes.

**Preamble**:—WHEREAS in certain parts of the Presidency of Bombay, the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency;

And whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

And whereas it is also expedient to amend the Bombay Civil Courts Act, section thirty-two, and to revive certain provisions of the thirteenth section of Regulation 17 of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871 (26 of 1871), [1]***;

It is hereby enacted as follows:—

**1. Short title**.—This Act may be called "The Bombay Revenue Jurisdiction Act, 1876":

**Commencement**.—So much of section four as relates to claims to set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue, shall come into force on such day as the Governor General in Council directs in that behalf by notification in the *Gazette of India*. The rest of this Act shall come into force on the passing thereof:

**Extent**.—And it shall extend to all [2][the [3][State of Maharashtra]], but not so as to affect—

(*a*) any suit regarding the assessment of revenue on land situate in [4][the City of Bombay], or the collection of such revenue;

(*b*) any of the provisions of Bombay Acts 5 of 1862 and 6 of 1862, or of [5][Act 21 of 1881] or of Act 23 of 1871;

[6]* * * * *

**2. Repeal of enactments.**—*Rep. by Repealing and Amending Act*, 1891 (12 *of* 1891).

**3. Interpretation-clause.**—In this Act, unless there be something repugnant in the subject or context,—

**Land**.—"Land" includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries, and all other benefits to arise out of land, and things attached to the earth, or permanently fastened to things attached to the earth:

**Land-Revenue**.—"Land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf [7][of the [8][Government]] from any person on account of any land held [9][by [10][State] Government] under the provisions of any law for the time being in force:

* Subject to verification and confirmation by the Department.

1. Rep. by Act 4 of 1894, the First Schedule, Part 3 (w.e.f. 23-2-1894).

2. Subs. by the A.O. 1950, for "all the territories under the Government of the Governor of Bombay in Council".

3. Subs. by the A.O. 1960, for "State of Bombay".

4. Subs. by, s. 9 of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom. Act 17 of 1945), Schedule E. read with Bom. Act 52 of 1947, s. 2 proviso, for "the Collectorate of Bombay".

5. Rep. by Act 12 of 1891, the Second Schedule Part 1.

6. Rep. by Act 16 of 1895, the First Schedule (w.e.f. 10-10-1895).

7. Subs. by the Adaptation of Indian Laws Order in Council, for "of the Crown".

8. Subs. by A.O. 1950, for "Crown".

9. Subs. by A.O. in Council, for "by the Provincial Government".
10. Subs. by the Adaptation of Laws Order, 1950, for "Provincial".

**Revenue-officer**.—"Revenue officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

**4. Bar of certain suits.**—Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:—

(*a*) [1][claims against the [2][Government] relating to any property appertaining to the office of any hereditary officer appointed or recognized under Bombay Act No. 3 of 1874, or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed [3][by the [4][State] Government] or any officer duly authorized in that behalf, or

claims against Government relating to lands held under treaty, or to lands granted or held as saranjam, or on other political tenure, or to lands declared by Government or any officer duly authorized in that behalf to be held for service;

(*b*) objections—

to the amount or incidence of any assessment of land-revenue authorized [3][by the [4][State] Government], or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(*c*) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance [3][by the [4][State] Government] or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue;

(*d*) claims against [2][Government]—

(*1*) to be entered in the revenue survey or settlement records or village papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(*2*) to have any entry made in any record of a revenue survey or settlement, or

(*3*) to have any such entry either omitted or amended;

(*e*) the distribution of land or allotment of laud-revenue on partition of any estate under Bombay Act 4 of 1868, or any other law for the time being in force;

(*f*) [1][claims against [2][Government]]—

to hold land wholly or partially free from payment of land-revenue, or

to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized [3][by the [4][State] Government] under the provisions of any law for the time being in force, or

respecting, the occupation of waste or vacant land belonging [5][to the [2][Government]];

1. Subs. by the Adaptation of Indian Laws Order in Council, for "claims against the Crown".
2. Subs. by the A.O. 1950, for "Crown".
3. Subs. by the Adaptation of Indian Laws Order in Council, for "by the Provincial Government".
4. Subs. by the A. O. 1950, for "Provincial".
5. Subs. by the Adaptation of Indian Laws Order in Council for "to the Crown".

(*g*) claims regarding boundaries fixed under Bombay Act No. 1 of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks:

**Proviso**.—Provided that if any person claim to hold land wholly or partially exempt from payment of land-revenue under—

(*h*) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(*i*) an instrument or sanad given by or by order of the [1][ [2][State] Government] under Bombay Act No. 2 of 1863, section one, clause first, or Bombay Act No. 7 of 1863, section two, clause first, or

(*j*) any other written grant by the British Government expressly creating or confirming such exemption, or

(*k*) a judgment by a Court of law, or an adjudication duly passed by a competent officer under Bombay Regulation 17 of 1827, chapter X, or under Act No. 11 of 1852, which declares the particular property in dispute to be exempt;

such claim shall be cognizable in the Civil Courts.

*Illustrations to (h).*

(1). Itis enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2). It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3). It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4). It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5). It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

**5. Saving of certain suits.**—Nothing in section four shall be held to prevent the Civil Courts from entertaining the following suits:—

(*a*) suits [3][against the [4][Government]] to contest the amount claimed, or paid under protest, or recovered, as land-revenue on the ground that such amount is in excess of the amount authorized in that behalf [5][by the [2][State] Government], or that such amount had previous to such claim, payment, or recovery been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount;

1. Subs. by the Adaptation of Indian Laws order in Council, for "Provincial Government".

2. Subs. by A.O., 1950, for "Provincial"

3. Subs. by the Adaptation of Indian Laws Order in Council, for "against the Crown".

4. Subs. by A.O., 1950,for "Crown".

5. Subs. by the Adaptation of Indian Laws O cial Government".

(*b*) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement or in any village papers;

(*c*) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed or recovered from the latter;

and nothing in section four, clause (*g*) shall be held to prevent the Civil Courts from entertaining suits, other than suits [1][against the [2][Government]], for possession of any land being a whole survey number or a recognized share of a survey number.

[3][and nothing in section four shall be held to prevent the Civil Courts in the Districts mentioned in the second schedule hereto annexed from exercising such jurisdiction as, according to the terms of any law in force on the twenty-eighth day of March 1876, they could have exercised over claims [1][against the [2][Government]]—

(*a*) relating to any property appertaining to the office of any hereditary officer appointed or recognized under Bombay Act No. 3 of 1874, or any other law for the time being in force, or of any other village-officer or servant;

(*b*) to hold land wholly or partially free from payment of land-revenue;

(*c*) to receive payments charged on, or payable out of, the land-revenue.]

**6. Bar of certain suits against Revenue officers.**—Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done, or ordered to be done, by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue officer absconds or does not attend when called on by his official superior, and if the Collector of the District proceeds against him or his sureties for public money, papers or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

**7. Punishment or prosecution of Revenue officers not a bar to civil remedies.**—Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

**8.** [*Officers to answer in suits against them for acts done by order of superior authority*.]—*Rep. by Bombay Revenue Jurisdiction Act*, 1880 (*Bom. Act* 15 *of* 1880), *s*. 2.

**9.** [*Appeals from proceedings of Revenue officers*.]—*Rep. by, s.* 2, *ibid.*

**10.** [*Power to Local Government to call for record*.]—*Rep. by, s.* 2, *ibid.*

**11. Suits not to be entertained unless plaintiff has exhausted right of appeal.**—No Civil Court shall entertain any suit [1][against the [2][Government]] on account of any act or omission of any Revenue-officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force, as within the period of limitation allowed for bringing such suit, it was possible to present.

**12. Power of [4][State] Government to refer questions for the decision of the High Court.**—If in the trial or investigation of any suit, claim or objection, which, but for the passing of this Act, might have been tried or investigated by a Civil Court, there arises any question on which [5]*** the [6][ [4][State] Government] desires to have the decision of the High Court, [5]*** the [6][ [4][State] Government] [7]*** may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court [8]***.

1. Subs. by the Adaptation of Indian Laws Order in Council for “against the Crown”.

2. Subs. by A. O. 1950, for “Crown”.

3. Added by Act 16 of 1877, s. 1 (w.e.f. 9-8-1877).

4. Subs. by A. O. 1950, for “Provincial”

5. The words “the Governor General in Council or” omitted by the Adaptation of Indian Laws Order in Council.

6. Subs. by *ibid.,* for“Provincial Government”.

7. The words “as the case may be” were omi

8. The words "of Judicature at Bombay" were omitted by the Adaptation of Laws (No. 2) Order, 1956.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and subject to any appeal which may be presented to [1][the Supreme Court], the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

**13. Power of Civil Judge to refer questions of jurisdiction to High Court.**—If in any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of [1][the Supreme Court] on any such reference shall be subject to appeal to Her Majesty in Council, and save as aforesaid, shall be final.

**14. Composition of Bench.**—Every reference under section twelve or section thirteen shall be heard by a Bench consisting of such number of Judges not less than three, as the Chief Justice from time to time directs.

**15.** [*Amendment of section 32 of Bombay Civil Courts Act*].—*Rep. by the Repealing and Amending Act*, 1876, *s*. 2 *and the Schedule* (*w.e.f*. 26-2-1938).

**16. Privileges of [2][Government] [3]*** in suits in which it is concerned.**—Whenever any suit is brought in any District Court [4][against the [2][Government]] [3]***

or against any Revenue officer, [5][and the [2][Government] [3]*** undertakes] the defence thereof,

it shall be lawful [6][for the [7][State] Government], by certificate signed by a Secretary thereto, to require—

(*a*) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(*b*) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court;

and the Court shall give effect to every such requirement.

The privilege conferred [8][on Government] by the clause (*b*) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

1. Subs. by the Adaptation of Laws Order, 1950, for "Her Majesty in Council".
2. Subs. by *ibid*., for "Crown".
3. The words "or the Federal Railway Authority" were omitted by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
4. Subs. by A. O. in Council, for "against the Crown or the Federal Railway Authority".
5. Subs. by *ibid*., for "and the Crown or the Federal Railway Authority undertakes".
6. Subs. by *ibid*., for "for the Provincial Government".
7. Subs. by the Adaptation of Laws Order, 1950, for "Provincial".
8. Subs. by *ibid*., for "on the Provincial Government".

**17.** [*Revival of Bombay Regulation* 17 *of* 1827*, section 13.*]—*Rep. by Bombay Revenue Jurisdiction Act, 1880 (*Bom. Act *15 of 1880) but the repeal does not operate in any scheduled district unless and until the Bombay Land-revenue Code (Bom. 5 of 1879) has been extended to such District.*

[*Operation of same Regulation in sites of villages and towns*.]—*Rep. by Bombay Revenue Jurisdiction Act*, 1880 (Bom. Act 15 *of* 1880), *s.* 2.

[*Recovery of certain advances made by Local Government.*]—*Rep. by ibid.*

**SCHEDULE**. *Rep. by the Repealing and Amending Act*, 1891 (12 *of* 1891).

[1][THE SECOND SCHEDULE.

The District of Ahmedabad.

The District of Kaira, exclusive of the PanchMahals.

The District of Broach.

The District of Surat, exclusive of the lapsed State of Mandvi, as described in the schedule annexed to [2]Act 10 of 1848.

The District of Tanna.

The District of Colaba, exclusive of the lapsed State of Colaba mentioned in [2]Act 8 of 1853.

The District of Ratnagiri.

The District of Kanara.]

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1. Added by Act 16 of 1877, s. 2 (w.e.f. 9-8-1877).

2. Act 10 of 1848 and 8 of 1853 were repealed by the repealing and Amending Act, 1891 (12 of 1891).