



## The Calcutta Land-Revenue Act, 1850

Act 23 of 1850

**Keyword(s):**

**Securing Land Revenue, Unassessable Land, Lakhiraj**

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## Act XXIII of 1850

### (The Calcutta Land-revenue Act, 1850.)<sup>1</sup>

SHORT TITLE GIVEN	....	...	Act I of 1903.
REPEALED IN PART AND AMENDED	...	...	Act XV of 1882.
ADAPTED	...	...	<div style="border-left: 1px solid black; padding-left: 10px; margin-left: 10px;">                     (a) The Government of India                      (Adaptation of Indian Laws)                      Order, 1937.                      (b) The Adaptation of Laws                      Order, 1950.                 </div>

(8th June, 1850.)

#### An Act for securing the Land-revenue of Calcutta.

WHEREAS it is expedient that the land-revenue accruing due to the <sup>2</sup>[Crown] within Calcutta be ascertained and collected in as summary a manner as in other parts of the territories under the Government of the <sup>2</sup>[Crown]:

Preamble.

It is declared and enacted as follows :

1. All assessable lands, not the property of the <sup>3</sup>[Government], within the town of Calcutta, of which the rate of assessment is not known, or which have not heretofore been assessed, shall be assessed at the rate of three *annas* for each *cottah*.

Assessment of unassessed lands.

2. *Lakhiraj* tenures of land in Calcutta, of which uninterrupted possession has been held exempt from assessment for sixty years, shall be valid: no other *lakhiraj* tenures of land in Calcutta shall be deemed valid unless the same are or shall be held under an unexpired grant from the British Government.

*Lakhiraj* tenures.

3. If any owner of land within Calcutta, or any person holding land within Calcutta on lease from the <sup>3</sup>[Government] shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the land is assessed, or for which he is liable under his lease, the Collector may levy the same by distress and sale of the goods and chattels, wherever found, of such owner or lessee, or, after written demand upon the tenant or occupier, and his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any goods and chattels found upon the land, in the manner appointed for regulating distress for small rents in Calcutta by <sup>4</sup>[the Presidency Small Cause Courts Act, 1882, Chapter VIII]; and, for the purpose of any such

Levy, by distress and sale, of unpaid assessments.

XV of 1882.

<sup>1</sup> Short Title.—This short title was given by the Amending Act, 1903(I of 1903).

Local Extent.—This Act extends only to Calcutta—see the title and preamble.

<sup>2</sup> This word was substituted for the words "East India Company" by para. 3 and the 1st Sch. of the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> The word "Crown" was substituted for the words "East India Company" by the First Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937, and the word "Government" was subsequently substituted for the word "Crown" by paragraph 4(I) of the Adaptation of Laws Order, 1950.

<sup>4</sup> These words and figures were substituted for the words and figures "Act VII, 1847," by s. 3 of the Presidency Small Cause Courts Act, 1882 (XV of 1882).

## [Act XXIII

(Sections 4—9.)

Powers of  
Collector  
for distress  
and sale.

distress and sale, the Collector shall have all the powers of <sup>1</sup>[the Judges of the Court of Small Causes at Calcutta]; and the Collector shall have power to appoint any of his officers to perform the duties of bailiffs and appraisers, and of the chief clerk of the said Court, <sup>2</sup>\* \* and all the provisions of the said Act relating to <sup>1</sup>[the Judges of the Court of Small Causes at Calcutta] and their Court shall be deemed to apply to the said Collector and his office in the execution of this Act.

Deduction  
by occupier  
from  
landlord's  
rent.

4. In the case of payment by any tenant or occupier not holding immediately under the <sup>3</sup>[Government], or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

Priority of  
Government  
claim.

5. The claim of the <sup>3</sup>[Government] for land-revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

Distress not  
stayed unless  
amount lodged.

6. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

Recovery  
of arrears.

7. Arrears of rent or revenue which shall become due to the <sup>3</sup>[Government], within the town of Calcutta after the passing of this Act shall be recoverable at any time within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable or his agent, and not afterwards.

Inquiry  
into claims  
to hold  
land  
*lakhiraj*.

8. When a claim to hold land *lakhiraj* or free of assessment shall be set up under this Act, the Collector shall inquire into the claim, taking such evidence as the claimant may offer or the public records supply, and shall report his proceedings and decision in the case for the consideration of the Revenue Commissioner. If the Commissioner is satisfied of the validity of the claim, he shall make an order accordingly, and such order shall be final. If he is not satisfied of the validity of the claim, he shall direct the Collector to assess the land, leaving the claimant to contest the Collector's demand in the Civil Courts as herein provided.

Penalty for  
obstructing  
Collector.

9. Any person obstructing or molesting the Collector or any of his subordinate officers in the execution of their duty shall, on

<sup>1</sup> The words "the Judges of the Court of Small Causes at Calcutta" were substituted for the words "a Commissioner of the Court for recovery of small debts referred to in the said Act" and "the said Commissioners," respectively, by s. 3 of the Presidency Small Cause Courts Act, 1882 (XV of 1882).

<sup>2</sup> The words "as provided by the said Act," were repealed, *ibid.*

<sup>3</sup> See foot-note 3 on page 301, *ante*.

of 1850.]

(Sections 10—14.)

conviction before a Magistrate of the town of Calcutta, be liable to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the common jail for a term not exceeding six months, or until the fine is sooner paid.

10. The Collector may punish any contempt committed in his presence in open *cutcherry* or office, by fine not exceeding two hundred rupees, and, in default of payment, by imprisonment in the common jail for a term not exceeding one month: from every such order, or fine or imprisonment, an appeal shall lie to the Commissioner, whose decision shall be final.

Power to punish contempts.

11. The Collector shall act in the execution of this Act under the usual control of the superior Revenue-authorities.

Control of Collector.

12. The ground-rents payable to the <sup>1</sup>[Government] from lands in Calcutta are revenue within the meaning of the act of parliament 21 Geo. 3, c. 70<sup>2</sup>, and the Supreme Court of Judicature established by Royal Charter at Fort William in Bengal has not any civil jurisdiction concerning the said ground-rents or concerning anything ordered or done in the assessment or collection thereof.

Bar of Jurisdiction of Supreme Court.

13. All actions concerning any trespass or injury committed by any Revenue-officer acting under colour of this Act, or concerning any claim in respect of any goods taken by, or any moneys paid to, any Revenue-officer under this Act, or concerning any claim of rent or revenue on the part of the <sup>1</sup>[Government] under this Act, shall be tried and determined in the Civil Courts established by the <sup>1</sup>[Government], at the *sadar* station of the 24-parganas, notwithstanding that the cause of action in respect of which such action is brought arose, or the defendant therein resides, within the limits of the town of Calcutta: and every such action shall be brought within six months after the cause of action arose, and not afterwards.

Jurisdiction of Courts of 24-Parganas.

Limitation.

14. The words "Collector" and "Commissioner" used in this Act shall be taken to mean any person lawfully appointed to exercise the powers of Collector and Commissioner respectively.

"Collector", "Commissioner."

<sup>1</sup> See foot-note 3 on page 301, *ante*.

<sup>2</sup> The East India Company Act, 1780.