



## The Bengal Land-Revenue Resumption Act, 1862

Act 7 of 1862

**Keyword(s):**

**Land Revenue, Assessment, Illegal or Invalid Tenure**

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## Bengal Act VII of 1862

### (THE BENGAL LAND-REVENUE RESUMPTION ACT, 1862.)<sup>1</sup>

SHORT TITLE GIVEN	..	Act I of 1903.
REPEALED IN PART	..	[ Act XII of 1873. Act XVI of 1874.

[7th May, 1862.]

*An Act to repeal section 30 of Regulation II, 1819 (for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.)*

WHEREAS by section 30 of Regulation II, 1819, it is enacted that certain suits preferred in a Court of Judicature regarding lands held, or claimed to be held, free of assessment, shall be referred for investigation to the Collector, and that similar suits may be preferred in the first instance to the Collector; and whereas such reference of suits is unnecessary and causes inconvenience and delay in their decision, and it is advisable that such suits should be preferred and disposed of exclusively in the ordinary Courts of Civil Judicature;

Preamble.

It is enacted as follows:—

1. [*Repeal of section 30 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1819 (II of 1819).*]—*Rep. by the Repealing Act, 1873 (XII of 1873).*

2. All suits preferred by proprietors, farmers or *talukdars* to resume the revenue of any land held free of assessment, as well as all suits preferred by individuals claiming to hold land exempt from the payment of revenue shall be instituted, heard and determined in and by the Courts of Civil Judicature, like ordinary civil suits, and under the rules and subject to all the provisions contained in Act VIII of 1859<sup>2</sup> (*for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter*), and not otherwise.

Suits for resumption of land held free of assessment and claims to hold land exempt from revenue to be tried in Civil Courts.

3, 4. [*Application of Act to pending suits; saving of proceedings had under sec. 30 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1819 (II of 1819), before passing of Act.*]—*Rep. by the Repealing Act, 1874 (XVI of 1874).*

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

Local Extent.—Since this Act contains no "local extent" clause, it must be taken to extend to the whole of the former Province of Bengal.

<sup>2</sup>Act VIII of 1859 was repealed and re-enacted by Act X of 1877. The present Code of Civil Procedure is Act V of 1908, and this reference should now be taken to be made to the latter Code—see section 158 thereof.