

PART-I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 26th April, 2011

No. 19-Leg./2011.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 20th April, 2011 and is hereby published for general information :—

THE PUNJAB LAND REVENUE (AMENDMENT) ACT, 2011
(Punjab Act No. 15 of 2011)

AN

ACT

furth~~er~~ to amend the Punjab Land Revenue Act, 1887.

BE it enacted by the Legislature of the State of Punjab in the Sixty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Land Revenue (Amendment) Act, 2011. Short title and commencement.

(2) It shall come into force at once.

2. In the Punjab Land Revenue Act, 1887 (hereinafter referred to as the principal Act), in section 13, in clause (c), in item (ii), at the end, for the sign “.”, the sign “;” shall be substituted, and thereafter, the following items shall be added, namely :— Amendment in section 13 of Punjab Act XVII of 1887.

“(iii) no authority, except the first appellate authority, shall remand the case to the lower authority to decide the case afresh ; and

(iv) no appeal shall lie against any interim order passed by a Revenue Officer under this Act.

Note.—The provisions of items (iii) and (iv) shall not be applicable to the authorities mentioned under section 16 of this Act.”

3. In the principal Act, for section 16, the following section shall be substituted, namely :— Substitution of section 16 of Punjab Act XVII of 1887.

“16. (1) A Commissioner may call for the record of any case pending before, or disposed of by any Revenue Officer under his control and pass such orders, as he thinks fit.
Power to call for, examine and revise proceedings of Revenue Officers.

(2) A Collector may also call for the record of any case pending before, or disposed of by any Revenue Officer under his control, and if he is of the opinion that the proceedings taken or order made, should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Commissioner whose decision shall be final :

Provided that he shall not pass an order reversing or modifying any proceeding or order of a subordinate Revenue Officer, and affecting any question of right between private persons without giving them an opportunity of being heard.”

4. In the principal Act, in section 20, after sub-section (5), the following sub-section shall be added, namely :—

Amendment
in section 20
of Punjab
Act XVII
of 1887.

“(6) If it is not possible to serve summons in accordance with any of the modes, as provided in sub-sections (1), (2), (3),

(4) and (5), then,—

- (a) summons may be sent by the Revenue Officer by whom it is issued whether within or out of the State by post or by courier service, as approved by the High Court of Punjab and Haryana or by fax message or by Electronic Mail Service or by any other means, as may be provided in the rules made by the High Court ;
- (b) where the person is confined in prison, the summons may be delivered by post or may be sent by courier service, as approved by the High Court or by fax message or by Electronic Mail Service or by any other means, as may be provided in the rules made by the High Court to the officer-in-charge of the prison for service to the person ;
- (c) where the person resides out of India and has no agent in India, empowered to accept service, the summons may be addressed to the person at the place, where he is residing or may be sent to him by post or by courier service, as approved by the High Court or by fax message or by Electronic Mail Service or by any other means, as may be provided in the rules made by the High Court, if there is postal communication between such place and the place, where the Court is situated ; and

- (d) where the Central Government, by notification in the Official Gazette, has declared in respect of any foreign country that summons should be served on the persons actually and voluntarily residing or carrying business or personally working for gain in that foreign country through an officer of the Government of foreign country, as specified by the Central Government, the summons may be sent to such officer, through the Ministry of Government of India dealing with foreign affairs or in such other manner, as may be specified by the Central Government, and if such officer returns any such summons with an endorsement purporting to have been made by him that the summons have been served on the persons, such service shall be deemed as evidence of service."

5. In the principal Act, for section 111, the following section shall be substituted, namely :—

Substitution of section 111 of Punjab Act XVII of 1887.

"111. Any joint owner of land, or any joint tenant of a tenancy in Application which a right of occupancy subsists, may apply to a Revenue Officer for partition of his share in the land or tenancy, as the case may be, with the proposed plan of partition indicating the quality and location of the land in question along with the reasons for partition and copy of the latest jamabandi, if,—

- (a) on the date of application, the share is recorded under Chapter IV as belonging to him ; or
(b) his right to the share has been established by a decree which is still subsisting at that date ; or
(c) a written acknowledgement of that right has been executed by all persons interested in the admission or denial thereof."

6. In the principal Act, in section 113, for clauses (a) and (b), the following clauses shall be substituted, namely :—

Amendment in section 113 of Punjab Act XVII of 1887

- "(a) cause notice of the application and of the day so fixed to be served on such of the recorded co-shares, as have not joined in the application to submit their replies and plans of partition with cogent reasons, and, if the share for which partition is applied for, is a share in a tenancy, on the landlord also ; and
(b) if he thinks fit, cause the notice to be served on any other person whom he may deem to be directly or indirectly interested in the application to submit their replies and plans of partition with cogent reasons."

7. In the principal Act, section 114 shall be omitted.

Omission of
section 114 of
Punjab Act XVII
of 1887

8. In the principal Act, for section 115, the following sections shall be substituted, namely :—

Substitution of
section 115 of
Punjab Act XVII
of 1887.

“115. After examining such of the co-sharers and other persons, as Absolute disallowance of partition. may be present on that day, the Revenue Officer may, disallow the partition in those cases only where application is made for the partition of common path, common water-course or such like place, used for common purposes.

115-A. (1) Where it appears to the Revenue Officer that a settlement of disputes by conciliation may be acceptable to both the parties to the partition, he shall formulate the terms of settlement and submit the same to the parties for their suggestions. After receiving their objections or suggestions, the Revenue Officer, shall re-formulate the terms of settlement, possible in the prevailing situation, and refer the same for conciliation with the intervention of the elders where the property is situated ; and if the settlement is agreed upon by both the parties through a written deed, the Revenue Officer shall pass an order in accordance with such deed. The orders so made by the Revenue Officer shall be final, and a partition deed shall be issued accordingly.

(2) If no settlement is reached under sub-section (1), the Revenue Officer shall within a period of four months after the date of making reference for conciliation, but not later than six months from the date of initiation of conciliatory proceedings, pass such order on merits, as he may deem appropriate in the circumstances of the case after hearing the parties.”

9. In the principal Act, for section 118, for following section shall be substituted, namely :—

Substitution of
section 118 of
Punjab Act XVII
of 1887.

“118. (1) When there is a question as to the property to be divided, Disposal of other questions. or the mode of making a partition, the Revenue Officer shall, after such inquiry, as he deems necessary, record an order stating his decision on the question and the reasons for the decision.

(2) No appeal shall lie against the decision referred to in sub-section (1).”

GOBINDER SINGH,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.