

163. (1) The Durbar may appoint such revenue officers as may be found necessary for the administration of this Law, who shall exercise such powers as the Durbar may, by notification, direct.

(2) The Durbar may appoint such other officials as may be necessary for the maintenance of land records and invest them with such powers as may be necessary to give effect to the provisions of this Law.

164. (1) The Dewan shall have all the powers of a revenue officer under this Law.

(2) The Durbar may by notification invest any revenue officer, either personally or by designation, with any of the powers of the Dewan under this Law.

165. (1) All revenue officers shall be subordinate to the Durbar.

(2) All revenue officers and officials appointed for the administration of this Law other than the Dewan shall be subordinate to the Dewan.

(3) Rules may be made under this section regarding the designation of officials and the officers to whom they are subordinate.

CHAPTER XIII.—PROCEDURE OF REVENUE OFFICERS.

166. All revenue officers and such other staff appointed for the purpose of land records and their servants and workmen when authorised, either verbally or in writing by them, may enter upon and survey land, demarcate boundaries and do other acts connected with their duties under this or any enactment for the time being in force; provided that no person shall enter into any building or upon any enclosure, court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least 24 hours notice, and in making such entry due regard shall be paid to the social and religious sentiments of the occupier.

167. The Durbar or the Dewan may for reasons to be recorded transfer any case or classes of cases from any subordinate revenue officer to any other such officer competent to deal therewith.

168. The Dewan, or such revenue officer as may be empowered in this behalf, may make over any case or classes of cases arising under the provisions of this Law or otherwise for enquiry or decision from his own file to any revenue officer subordinate to him competent to deal with such case or class of cases, or he may, for reasons to be recorded, withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself, or refer the same for disposal to any other such revenue officer competent to deal therewith;

Provided that if after enquiry in a case, a report is submitted by a revenue officer to a superior revenue officer for final orders the latter shall, if the parties so desire, before passing the final order, give them an opportunity to be heard.

162. (1) Subject to the provisions of Sections 132 and 133 of the Code of Civil Procedure and to rules made under this Law, every revenue officer shall have powers to summon any person whose attendance he considers necessary, either to be examined as a party, or to give evidence as a witness, or to produce any document for the purpose of any enquiry or case arising under this Law or any other enactment for the time being in force.

(2) A summons to produce documents may be for the production of a certain specified document or for the production of all documents of a certain description in the possession or power of the persons summoned.

(3) If any person on whom a summons has been served fails to comply with the summons, the officer by whom the summons has been issued may issue a bailable warrant for the arrest of such person.

(4) No person shall be ordered to attend in person if his presence can be dispensed with and no person shall be ordered to attend at a place more than twenty-five miles from his residence unless there is railway communication or other established public conveyance.

(5) Any person present may be required by any revenue officer to give evidence or to produce any document then and there in his possession or power.

170. The service of processes by other States or by a revenue Court in British-India may be effected in manner prescribed.

171. (1) Every summons shall be in writing, in duplicate, and shall be signed and sealed by the officer issuing it or by such person as he empowers in this behalf and it shall specify the time, and place at which the person summoned is required to attend and also whether he is required to give evidence or produce a document.

(2) Every summons shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, or refuses to accept the service of the summons, by affixing a copy of it to some conspicuous part of his usual residence.

172. Subject to the provisions of this Law, whoever is summoned to appear before the revenue officer to give evidence shall attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document shall either attend to produce it, or cause it to be produced, at such time and place.

173. Every notice under this Law may be served either by tendering or delivering a copy thereof to the person on whom it is to be served or his authorised agent or, if service in the manner aforesaid cannot be made, by affixing a copy thereof at his last-known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated, or from which the land is cultivated.

174. Whenever a proclamation is issued under this Law copies thereof shall be posted in the court-house of the officer issuing it, at the headquarters of the sub-division, if any, within which the land to which it refers is situated, and at some place of public resort on or adjacent to which it refers, and, unless the officer issuing it otherwise directs, the proclamation shall be further published by beat of drum on or near the land to which it refers.

175. No notice or proclamation shall be deemed to be void on account of any error in the name or designation of any person or in the description of any land referred to therein unless such error has produced substantial injustice.

176. If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed in default.

177. (1) The revenue officer may, for reasons to be recorded, from time to time adjourn the hearing of a case or proceeding before him.

(2) The place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

178. (1) Except where a case or proceeding before any revenue officer has been decided on the merits, no appeal shall lie from an order passed under the provisions of Section 176.

(2) The party against whom the order is passed under the provisions of Section 174 may apply within 30 days from the date of such order to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing, and the revenue officer may, after notice to the opposite party and making such enquiry as he considers necessary, set aside the orders that have been passed.

179. A revenue officer may give and apportion costs incurred in any case or proceeding arising under this Law or otherwise, in such manner and to such extent as he thinks fit, provided that the fees of a legal practitioner shall not be allowed as costs in such cases or proceedings unless such officer considers otherwise for reasons to be recorded by him in writing.

180. All fees, fines, costs and other money ordered to be paid or recoverable under this Law shall be recoverable as if they were arrears of land revenue.

181. If possession of any immoveable property is adjudged, the officer making the order may deliver possession of the property in the same manner and with the same powers in regard to all contempts, resistance and the like as may be lawfully exercised by the civil courts in execution of their decrees,

182. Save as otherwise provided in any other enactment for the time being in force, all appearances before, applications to, and acts to be done before any revenue officer under this law may be made or done by the parties themselves or by their recognised agents or by legal practitioners.

183. Every order passed under this Law shall be communicated to the parties concerned in open court or in such other manner as may be prescribed.

CHAPTER XIV.—APPEAL, REVISION AND REVIEW.

184. (1) Save where otherwise provided in this Law an appeal shall lie from every original order under this Law or the rules made thereunder to such authority as may be appointed in this behalf : provided that if the order has been passed by a revenue officer subordinate to the Dewan the appeal shall lie to the Dewan.

(2) No appeal shall lie after the expiration of 45 days from the date of communication of the order to which objection is made.

185. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made unless the production of such copy is dispensed with.

186 (1) The appellate authority may either admit the appeal, or, after calling for the record and giving the appellant an opportunity to be heard, may summarily dismiss it ; provided that the appellate authority shall not be bound to call for the record where the appeal is timebarred or does not lie.

(2) If the appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the respondent.

(3) After hearing the parties if they appear, the appellate authority may confirm, vary or reverse the order appealed against ; or may direct such further investigation to be made or such additional evidence to be taken as he may think necessary ; or might himself take such additional evidence ; or may remand the case for disposal with such directions regarding the procedure or further enquiry as he thinks fit.

187. (1) If an appeal is admitted, the appellate authority may, pending the result of the appeal, direct the execution of the order appealed from to be stayed.

(2) A revenue officer who has passed any order or his successor in office may direct the execution of such order to be stayed at any time before the expiry of the period prescribed for appeal if no appeal has been filed.

(3) If the execution of any order is stayed under sub-section (1) or (2), such security may be taken or conditions imposed as the appellate authority or revenue officer thinks fit.

188. The Durbar, or the Dewan, may, at any time, for the purpose of satisfying himself as to the legality or propriety of any order passed by, or as to the regularity of the proceedings of, any revenue officer subordinate to him, call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as he thinks fit ; provided that he shall not vary or reverse any order affecting any question of right between private persons without having given to the parties interested notice to appear and be heard in support of such order.

189. (1) The Durbar, or any revenue officer, may, either on his own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors in office and pass such order in reference thereto as he thinks fit : provided that if the Dewan thinks it necessary to review any order which he has not himself passed, or if an officer subordinate to the Dewan proposes to review any order whether passed by himself or by any predecessor he shall first obtain the sanction of the Durbar or the Dewan as the case may be.

(2) No order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

(3) No order from which appeal has been made or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending, be reviewed.