

THE BATWARAS ACT, 1836

ACT NO. XX. OF 1836

(Rep., by Act 32 of 1940)

[19th September, 1836.]

*Passed by the Right Hon'ble the Governor General of India in Council, on the 19th September 1836.*

I. It is hereby enacted, that from the 1st day of October 1836, so much of Clause 3, Section III. Regulation XI. of 1822 of the Bengal Code, as provides “that Joint Estates shall not be liable to Sale for arrears that may accrue during the progress of a Butwarra or Partition, until the expiration of the year within which the arrear may be come due” –be repealed.

II. And it is hereby enacted, that from the said 1st day of October 1836, no But-warra while in progress, shall be quashed by the Board of Revenue, or by any Officer invested with the powers of the said Board, except as hereinafter provided.

III. And it is hereby enacted, that it shall be lawful for the said Board, or for any of the said Officers, to give six months' notice in writing of an intention to quash any Butwarra; and such notice shall be affixed at the Offices of the Collector of the District and Moonsiff of the jurisdiction, within which the lands under partition, or part of those lands, may be situated: and if within six months after such notice no party to the said Butwarra, shall deliver to the said Collector a written declaration, that he the said party objects to the quashing of the said Butwarra, it shall be lawful for the said Board, or the said Officer to quash the said Butwarra.

IV. And it is hereby enacted, that every Butwarra which, before the said 1st day of October 1836, may have been quashed by the said Board, or by any of the said Officers, shall be taken by all Courts to have been lawfully quashed.

---