

SURVEY OF LANDS IN CALCUTTA ACT 1847

ACT No XV OF 1847

(Rep., Act 8 of 1868)

[11th September, 1847.]

Passed by the Hon'ble the President of the Council of India in Council on the 11th day of September 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for the Survey of lands in the Town of Calcutta, within the Local limits of the Jurisdiction of the Jurisdiction of Her Majesty's Supreme Court of Judicature.

WHEREAS it is expedient that a correct Survey should be made of all lands in the Town of Calcutta within the local limits of Her Majesty's Supreme Court of Judicature:

It is therefore hereby enacted, that it shall be lawful for the Governor of Bengal to appoint an Officer to Survey the lands situate within the said local limits, and such Officer shall proceed to Survey the same and to register the names of the owners and occupiers thereof as far as they can be ascertained, and such Officer shall, by public notification, invite all persons owning or occupying lands and tenements within the said local limits to appear before him in person or by duly constituted attorney at whatever place within the said limits his office may be held, and to bring with him all Potthas, Ground Rent Bills, Bills of Sale, or other writings requisite for the ascertainment of the past and present boundaries of such lands.

II. And it is hereby enacted, that the said Officer shall for the purposes of this Act have full power and authority at all seasonable hours in the day time to enter or to direct his Subordinate Officers to enter into and upon any land or tenement within the said local limits, and in and upon the land on which any house, building or other erection is built or building or intended to be built, and into and upon any buildings or any part thereof without being liable to any action at law or suit in Equity, or any other legal proceedings or molestation whatsoever for or on account of such entry into, or of anything done or to be done in any part thereof in

pursuance of this Act. Provided, that such Officer or Subordinate Officers shall not enter upon any lands or tenements which may be occupied at the time unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so. Provided also, that if any action shall be commenced in the Supreme Court against any such Officer or Subordinate Officer for any entry made or other thing done under the authority of, or in pursuance of this Act, it shall be lawful for him or them to plead the general issue and to give the special matter in evidence.

III. And it is hereby enacted, that if any person at any time shall obstruct or molest the said Officer or any of his subordinate Officers in the performance and execution of his or their duty, or anything which they are required to do by or by virtue or in consequence of this Act, every such person so offending shall be guilty of a misdemeanor and shall on conviction before a Magistrate for the Town of Calcutta forfeit and pay for every such offence any sum not exceeding 200 Rupees.

IV. And whereas such notification as is directed by Section 1 of this Act, may not in all cases be effectual, it is therefore hereby enacted, that it shall be lawful for the Surveying Officer to cause any person owning or occupying lands or tenements within the said Local Limits, or his agents or representatives, to be served with a special notice under his official seal and signature, stating the purpose for which the attendance of such person is required, and any document essential for the purposes of this Act which such person is to bring with him and the period within which such person is to attend, and if such person cannot be found the notice shall be affixed to his usual place of residence if that be within the said local limits, or if not, then on the Premises to be surveyed. Provided always, that no person shall be required to produce any Title Deed which such person may object to produce.

V. And it is hereby enacted, that for any investigation connected with the purposes of this Act it shall be lawful for the Surveying Officer by writing under his hand to summon any person whatsoever to attend as a witness under his hand to summon any person whatsoever to attend as a witness at a time and place to be specified in such summons, and that every witness so duly summoned to attend as aforesaid, who shall not attend, or who attending shall refuse to give evidence on oath or solemn affirmation, or declaration, or to answer all such questions as the Surveying Officer may legally demand shall be liable to be attached in the

Supreme Court upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

VI. And it is hereby enacted, that any witness examined before such Surveying Officer shall be examined upon oath, which such Surveying Officer is hereby authorized to administer. Provided always, that in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said Surveying Office shall substitute such solemn declaration or affirmation for an oath.

VII. And it is hereby enacted, that any witness willfully and knowingly giving false testimony on oath or solemn declaration or affirmation before such Surveying Officer shall be deemed guilty of willful and corrupt perjury.
