

ACT NO. XIV OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th August, 1884.)

An Act for the validation of decisions passed by certain Settlement-officers in the Panjáb.

WHEREAS section 21 of the Panjáb Courts Act, 1865, after conferring certain powers on the Local Government in any district in which a settlement of land-revenue might be in progress, provided as follows, namely:—"The Local Government may also, with the previous sanction of the Governor General of India in Council, invest any special officer in such district with the civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsildár, as defined in this Act, for the purpose of deciding suits in respect to land, or the rent, revenue or produce of land, such powers to be exercised on the Revenue side";

and whereas doubts have recently been raised as to whether the said section conferred power to invest a special officer as aforesaid with power to decide appeals in such suits;

and whereas section 49 of the Panjáb Courts Act, 1877, provides that the Local Government may, from time to time, by notification in the official Gazette, invest any officer making or controlling a settlement of land-revenue in any local area with all or any of the powers of any Court constituted under that Act, for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in that local area;

and

and whereas certain officers making or controlling settlements of land-revenue have decided suits of the description mentioned in section 21 of the Panjáb Courts Act, 1865, or section 49 of the Panjáb Courts Act, 1877, and appeals in such suits, without being invested with power to decide the same ;

IX of  
865.  
VII of  
377.

and whereas it is apprehended that certain officers making or controlling settlements of land-revenue have exercised judicial powers when at places beyond the local limits of their jurisdiction ;

and whereas for the quieting of titles and the avoidance of litigation it is expedient that the decisions passed by officers engaged in making or controlling settlements in suits of the description mentioned in section 21 of the Panjáb Courts Act, 1865, and in section 49 of the Panjáb Courts Act, 1877, and in appeals in such suits, should not be impeached for want of authority in such officers, and that the validity of such decisions should be affirmed ;

IX of  
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7.

It is hereby enacted as follows :—

1. In the portion of section 21 of the Panjáb Courts Act, 1865, hereinbefore recited the word "suits" shall be deemed to have always included appeals.

IX of  
865.

Construction of section 21 of Act XIX of 1865.

2. When any officer making or controlling a settlement of land-revenue has decided a suit of the description mentioned in section 21 of the Panjáb Courts Act, 1865, or section 49 of the Panjáb Courts Act, 1877, or an appeal in any such suit, and his decision would, if he had been duly invested with power under either of those sections to decide such suits or appeals, have been valid, the decision shall not be deemed invalid or deprived of any of its effect by reason of the objection that he was not so invested :

IX of  
865.  
VII of  
1877.

Validation of decisions of certain unauthorized officers.

Provided that a decision heretofore declared by any competent Court to be invalid on the ground that the officer who decided the suit or appeal was not authorized to decide the same shall not be rendered valid by this section.

3. When

Validation  
of decisions  
passed  
beyond  
local limits  
of jurisdic-  
tion.

3. When the decision of an officer making or controlling a settlement of land-revenue would be deemed valid if it had been passed by him within a particular local area, it shall not be deemed invalid or deprived of any of its effect by reason of the objection that at the time when he passed it he was beyond the limits of that local area.