

CHAPTER XVII.—Appeal and Revision.

529. The authorities to whom appeals lie from the orders of Revenue Officers or who have the power of revision are mentioned in the different Laws or Regulations and in the Government Rules under the Bengal Tenancy Act. The following rules govern special cases.

Appellate and revisional authorities.

530. No appeal lies from an order on objections under section 103A. Parties should be informed that they can file suits under section 106.

Orders in objection cases.

531. A note of all rents settled under section 105, of all decisions of issues under section 105A or section 106 and of all orders regarding the same on appeal or revision under section 108 or section 115C and corrections of *bona fide* mistakes directed under section 115B of the Bengal Tenancy Act must be made in the final record and other public copies by the Settlement Officer or if the Settlement Officer has left the district by the Collector.

Noting of orders on revision or appeal.

532. After the records have been made over to the Collector, Subdivisional Officer and Munsifs the corrections or entries of results of cases to be made in the Public copies of records under section 109D or 115B will be made by the staff of the Collectorate Record room. Correction slips will be issued by the Collector's Record Keeper to Munsifs and Subdivisional Officers for incorporation in their copies of the records.

Noting of corrections after the records have been made over to the Collector.

533. It has been ruled that where it is desired to correct an entry in the finally-published records that has been procured by fraud the Settlement Officer has an inherent right to order excision of the fraudulent entry, and his act in doing so is a ministerial act, not open to appeal. At the same time the Settlement Officer should make the correct entry, leaving a note against the excised entry that it is fraudulent, and either stating his reasons in the record or making in the record a reference to a proceeding in which those reasons have been stated, as may be more convenient.

Correction of fraudulent entries.

534. A Settlement Officer has inherent jurisdiction to correct obvious errors, *e.g.*, arithmetical or clerical errors, in the finally-published records.

Inherent jurisdiction of Settlement Officer to correct obvious errors.

535. (a) The Act contains no provision enabling the record-of-rights to be corrected in accordance with the orders of a Civil Court. If a Settlement Officer or a Collector is made a party to a suit in which a prayer for such correction in the record-of-rights is contained in the plaint, he should, in the course of its hearing, raise objection to that part of the plaint. In his written statement he should urge the want of jurisdiction on the part of the Civil Court to order any such alteration. Any order of a Civil Court, in a case in which the Government has been made a party purporting to order the correction of the record-of-rights is, however, binding on Government unless it is set aside. Any such order should, therefore, be brought to the notice of Government in order that the question of moving the High Court to revise it, under section 115 of the Civil Procedure Code, may be considered.

Civil Court's orders.

(b) On the other hand every Civil Court trying a suit under section 106, or disposing of an appeal under section 109A, will communicate to the Collector of the district, a note of its final decision in the case for incorporation in the final record-of-rights (High Court's Rules, Civil, Vol. I, Rule 39A).

Orders under section 104H.

536. There is no provision enabling the Collector to note orders under section 104H in the record, but the Civil Court will notify any orders passed under section 104H to the Collector of the district.

Corrections of the finally published maps.

537. Whenever the Settlement Officer or in his absence the Collector desires a correction of the finally-published map to make it agree with the record-of-rights he should record a proceeding accompanied by a case map and send to Bengal Drawing Office a trace showing what modifications in the map are desired. The changes shown on these traces should then be incorporated by the Bengal Drawing Office on a blue print copy of the original map. When the Collector's stock of maps is exhausted, the corrected blue print will be vandyked and issued while a small trace of all badars will be pasted on the original to show that the new map issued is a corrected copy of the earlier map.

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Corrections in the headings of maps and records.

538. When a village is transferred wholly or in part from one jurisdiction unit to another so that the name of the police-station or district printed in map is no longer correct, a slip giving the name of the jurisdiction unit with reference to the order sanctioning the transfer will be attached to the original map and to all copies of it. The Officer-in-charge of the Bengal Drawing Office will send copies of the slip to the Collector to be attached to the record of the village and to all copies of the map in the Settlement record-room and in the Collectorate.