

1. THE KERALA SURVEY AND BOUNDARIES ACT, 1961 (Act 37 of 1961)

(An Act to considerate, amend and unify the law relating to the survey of lands and settlement of boundary disputes in the State of Kerala.)

Preamble.- Whereas it is expedient to consolidate, amend and unify the law relating to survey of Lands and settlement of boundary disputes in the State of Kerala. Be it enacted in the Twelfth year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement- (1) This Act may be called the Kerala Survey and Boundaries Act, 1961. (2) It extends to the whole of the State of Kerala and shall come into force on such date as the Government may, by notification in the Gazette, appoint

2. Definitions.- In this act, unless the context otherwise requires,-

(i) "Collector" means the Collector of the district, having juris-diction over the area

(ii) "Government Land" means any Land the propriety right of which vests in the Government;

(iii) "Prescribed" means Prescribed by rules made by the Government under this Act;

(iv) "Registered holder of any land" means the person in whose name the land in question is registered in the

Government accounts of the village

Explanation (1). - When any person other than the registered holder is in lawful management of a land, otherwise than as agent or servant of the registered holder or as mortgage, such person shall be deemed to be the registered respect of such land.

Explanation (2).- When a land is so registered in the names of two or more persons jointly, the registered holder shall, for the purpose of this Act, be the persons who is recognized by the other joint holder or joint holders the land or who ,in the case of dispute, is recognized by the Collector as the principle joint holder.

(v) "Registered Land" means any land the proprietary right of which does not vest in the Government.

(vi) "Survey includes all operations incidental to the determination, measurement and record of a boundary and includes a resurvey:

(vii) "Survey mark" means any mark or object, erected, made, employed or specified by a Survey Officer to indicate or determine or assist in determining the position or level of any point or points;

(viii) "Survey Officer" means any officer appointed by the Government as a Survey Officer under section 3;

(ix) "Village Official" includes Village Officer, Village Assistant, Adhikari, Menon, Potal and Shanbogue.

3. Appointment of Survey Officer.- (1) The Government may, by notification in the Gazette, appoint any officer either by name or by virtue of his office to be a Survey Officer for all or any of the purpose of this Act.

(2) Subject to the control of the Government and of any other officer or authority appointed by the Government in this behalf, every officer appointed as Survey Officer shall exercise the powers and form the duties of a Survey Officer within such local limits as the Government may, from time to time direct.

(3) The Government may, by order, direct that the powers exercisable by them under sub-sections (1) and (2) may also be exercised by such officer or authority, subject to such conditions as may be specified by them in this behalf.

CHAPTER II SURVEY OF LANDS

4. Government may direct the survey of any land or any boundary of any land.- The Government or subject to the control of the Government, any officer or authority authorised by the Government in this behalf, may, boundary of any land or of the boundary forming the common limit of any Government land and any registered land.

5. Survey of land hit by sea erosion or action of river.- The registered holder of any land may apply to, the Government or to any officer or authority authorised by the Government in this behalf for the survey of his land on the ground that portion of the land has been lost by sea erosion or action of river; and thereupon the Government or such officer or authority, as the case may be, may order the survey of the land.

6. Notification to be published by Survey Officers –

(1) When any survey is ordered under section 4 or section 5, the Survey Officer shall publish a notification in the Gazette in the prescribed manner inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend either in person or by agent at a specified place and time and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connection therewith (Notification No.4772/H4/71/Law , dated 28th November 1972).

(2) A notification published under sub-section (1) shall be held to be a valid notice to any person having any interest in the land or in the boundaries of which the survey has been ordered. (Notification No.4772/H4/71/ Law, dated 28th November 1972.).

(3) Such notification shall further require every person, whether a registered holder or not, having interest in the land or in the boundaries of which the survey has been ordered-

(a) to clear within a specified period by cutting down or removing any trees, jungle, fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purpose of the survey.

(b) to provide labour at such times and for such periods as may from time to time, be required by furnishing flag holders and chainmen, and

c) to provide suitable survey marks and otherwise to give such assistance in the survey as may be demanded under this Act of the rules made hereunder.

(4) If any person fails to comply with any requisition of a Survey Officer made clause (a) clause (b) or clause (c) of subsection

(3) the Survey Officer may himself employ hired labour or such number for the purpose of survey chainmen, as

he considers necessary. (Notification No.4772/H4/71/Law, dated 28th November 1972).

(5) The cost of the labour and the cost for the time and labour of the chainmen (whether such chainmen be Government

Servants or not) employed and of the survey marks used in such cases shall be determined and apportioned in the

prescribed manner among the persons who have any interest in the land or in the boundaries of which the survey has

been ordered, and shall be recoverable from such persons as an arrear of land revenue.

Notice of such determination

and apportionment shall be given in the prescribed manner to the persons aforesaid.

(Notification No.4772/H4/71/Law,
dated 28th November , 1972.)

7. Cost of Survey operations may be defrayed in the first instance by Government in certain cases: - Notwithstanding

anything contained in subsections (3), (4) and (5) of section 6, whenever it may appear to the Survey Officer to be desirable that the cost of all or any of the operations prescribed in clauses (a), (b) and (c) of sub-section (3) of section 6 shall be defrayed in the first instance by the Government, he may, with the previous sanction of the Government, in lieu of the notification prescribed in sub-section (3) of section 6, issue a notification that such cost shall be defrayed in the first instance by the Government and may thereupon proceed with survey of the land and apportion and charge such cost in the manner prescribed under sub-section (5) of section 6: Provided that the cost of the operations in connection with the survey carried out in accordance with the orders passed under section 5 shall be charged and recovered from the applicant in case it is found on survey that no land was lost by sea erosion or action of river, and in other cases such cost shall not be recovered.

8. Survey to be carried out in the Prescribed manner. – Every Survey Officer shall be found to carry out the survey in the manner prescribed.

9. Power to record boundary as undisputed.- (1) The Survey Officer shall have power to determine and record as

undisputed any boundary in respect of which no dispute is brought to his notice.

(2) Notice of every decision of the Survey Officer under sub-section (1) shall be given in the prescribed manner to the registered holders of the lands the boundaries of which may be affected by the decision.

10. Power of Survey Officer to determine and record a disputed boundary with reasons - (1) Where a boundary is

disputed, the Survey Officer shall, after making such inquiries, as he considers necessary, determine the boundary and

recor it is accordance with his decision with reasons in writing for arriving at that decision.

(2) Notice of every decision of the Survey Officer under sub-section (1) shall be given in the prescribed manner to the

parties to the dispute and other registered holders of the lands, the boundaries of which may be affected by the decision

11. Appeal against orders of Survey Officer:- (1) Any person aggrieved by a decision under section 6, section 7, section

9 or section 10 may appeal to such authority as may be prescribed. The appellate authority such record the reasons for

the decision in writing and shall give notice of such decision in the prescribed manner to the parties to the appeal. Any

modification of the Survey Officer's decision ordered by the appellate authority shall be noted in the record prepared

under section 9 or section 10, as the case may be.

(2) A copy of the order and a copy of the map recording the boundaries as determined under section 9, section 10 or

sub-section (1) of this section shall be furnished to any person interested in such order or map, as the case may be, on

his application and payment of such cost may be prescribed.

12. Period within which appeal may be preferred: - (1) An appeal under section 11 shall be preferred within three months

from the date of service of notice under section 6, section 9, or section 10, provided that the time taken to obtain a copy

of the decision and of the map shall not be included in the period of three months allowed for the appeal.

(2) No appeal, after the expiry of the said period, shall be admitted unless, for reasons to be recorded in writing, the

appellate authority is satisfied that the appellant had good and sufficient cause for not preferring the appeal within such

period.

Explanation: - The fact that notices under section 6, section 9 or section 10 were not served in the prescribed manner on

the appellat shall be deemed to be good and sufficient cause.

(3) No appeal shall be admitted under sub-section (2) after the issue of the notification specified in section 13.

13. Completion of demarcation to be notified: - When the survey of any land or boundary which has been notified under section 4 or ordered under section 5 has been completed in accordance with the orders passed under section 9, section 10 or section 11, the Survey Officer shall notify the fact in the Gazette, and a copy of such notification shall be posted in the village office, if any of the village to which the survey relates. Unless the survey so notified is modified by a decree of a civil court under the provisions of section 14, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded therein have been correctly determined not recorded.

14. Right to institute a suit in respect of boundary of the property surveyed:- (1) Any person deeming himself aggrieved by the determination of any boundary under section 9, section 10 or section 11 may, subject to the provision of the law of limitation in force for the time being institute a suit within one year from the date of the notification under section 13 to set aside or modify the said determination and the survey shall, if necessary, be , altered in accordance with the final decree in the suit and the alteration, if any shall, be noted in the records.

(2) In any suit under sub-section (1), the plaintiff shall join as parties to the suit all persons whom he has reason to believe to be interested in the boundary which is subject to the suit.

15. Liability of registered holders for maintenance of survey marks; (1) Subject to such conditions as may be prescribed in this behalf every registered holder of land shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his holding, and in default of his doing so, the Survey Officer, the Collector or any of the subordinates of such officers may, at the cost of the Government maintain, renew and repair such survey marks, determine and apportion the cost of so doing give notice of such determination and apportionment to the parties concerned and recover such cost as an arrear of public revenue due on land. Such cost may include the cost of all operations incidental to such maintenance, renew or repair.

(2) Before a Survey Officer or Collector or any of the subordinates of such officers attends to the maintenance, renewal or repair of any survey mark under sub-section (1), he shall serve a notice in writing on the registered holder in the prescribed manner giving particulars of the survey marks in respect of which default has been committed and calling upon him to maintain renew or repair the same within a time to be specified in such notice which shall not be less than fifteen days from the date of service thereof. If a notice under this sub-section cannot be served personally on the registered holder a copy of the same shall be served on the person in possession of the land or other person interested in the land.

16. Imposing of charges and appeals: - (1) Every order of a survey Officer or Collector or the subordinates of such officers imposing charges under sub-section (1) of section 15 shall be recorded in writing and a copy of the order shall be supplied to the parties on their application and on payment of such cost as may be prescribed.

(2) The order of the Survey Officer, Collector or the subordinates of such officers shall be final, if no appeal is preferred and in the even of an appeal being preferred, the decision of the appellate authority shall be final.

(3) Any person deeming himself aggrieved by any order passed under sub-section (1) may appeal to such authority as may be prescribed, within two months of the date of service of such order.

17. Duties of village official :- It shall be the duty of every village official.

(a) to prevent the destruction, injury, removal or alteration of any survey mark, on or within the limits of his jurisdiction, and

(b) when he becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to such authority as may be prescribed.

CHAPTER III MISCELLANEOUS

18. Power to enter upon, examine and clear obstruction on lands: - For the purpose of any survey, enquiry or other proceedings under this Act, the survey Officer or the Collector or any of the subordinates of such officers shall have to enter upon, examine and measure any land under survey and to clear, by cutting down or removing any trees, jungle, fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purpose of the survey.

19. Power to summon witnesses and require production of documents: - Any Survey Officer generally or specially authorized in that behalf or the Collector or any officer to whom an appeal is preferred under any of the provisions of this Act may, for the purpose of rendering assistance in the survey of land, summon and enforce the attendance of any person who has an interest therein and may, for the purpose of any survey, enquiry or other proceedings under this Act, summon and enforce the attendance of any person for giving evidence and for production of documents; and the procedure prescribed in the code of Civil Procedure, 1908 from summoning and enforcing the attendance of witnesses and for recording of evidence shall be followed as far as it can be made applicable.

20. Reference to arbitration: - (1) The Collector or the Survey Officer, as the case may be, may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

(2) The decision of the Collector or the Survey Officer passed in accordance with such award shall be conclusive as between the parties to a such arbitration and those claiming under them.

21. Registered holder may recover expenses paid by him from owner: - In the absence of a contract to the contrary, the registered holder of any land under survey, who incurs any expenses or from whom any expenses are recovered under this Act in respect of such survey, shall, if he be not owner thereof, acquire a charge on such land to the extent of the expenses so incurred or recovered from him with interest thereon at the rate of 6 per cent per annum.

(2) It shall be lawful for any person interested in any registered land under survey to pay the charges payable under this Act in respect of the survey of such land, though he be not the registered holder thereof, and all such sums, if paid by a tenant or lessee may be deducted from any rent then or afterwards due by him in respect of such land, and if paid by any other person interested in such land, shall be a charge on such land. Such sums shall bear interest at the rate of 6 per cent per annum.

(3) Where a person entitled under this section to a charge on any registered land is a co-owner of such land, such

charge shall extend only to so much of the amount recovered from or expended or paid by him as is due in respect of

the share of the other co-owners on such land with interest at the rate of aforesaid.

22. Power to make rules :- (1) The Government may, after previous publication in the Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may –

(a) prescribe for different localities the unit of survey, the subdivisions thereof and the description of survey marks and

provide for the maintenance, repair and renewal of such marks ;

(b) Provide for the collection and record of any information in respect of any land which has been or is about to be surveyed;

(c) Define the classes of officers to be appointed to do duty under this Act and the powers to be exercised by such officers;

(d) prescribe and regulate the procedure to be followed by those officers in the conduct of proceeding under this Act;

(e) provide for the publication of all notifications issued under this Act and for the form, issue and service of all orders;

communications and notices to be issued, communicated, given or served under this Act;

(f) prescribe the form of application under section 5 and the fees to be paid along with such application;

(g) regulate the furnishing of survey marks, labour and other matters necessary to surveys notified under this Act and

the recovery of charges incidental thereto where they are recoverable.

(h) provide for the appointment of all charges directed to be apportioned by this Act and for the determination of the

cost of labour or the cost for the time and labour of the chainmen employed and of the survey marks used in any such

survey; (Notification No.4772/H4/71/Law, dated 28th November 1972).

(i) prescribe the fees payable for processes issued and copies granted under this Act; and

(j) prescribe the manner in which arbitraqtors are to be appointed and regulate the procedure to be followed by them.

(3) All rules made under this section shall be laid before the Legislative Assembly for a period of not less than fourteen

days, as soon as possible after they are made, and shall be subject to such modification as the Legislative Assembly

may make during the session in which they are so laid or the session immediately following.

23. Immunity for acts done or purporting to be done in good faith :- No suit, prosecution or other ;legal proceedings shall

lie against any officer or the Government for anything which is in good faith done or purporting to be done under the

provisions of this Act or the rules made there under.

24. Repeal and savings.- (1) The Madras Survey and Boundaries Act, 1923 (Act III of 1923) as in force in the Malabar

District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), the

Travancore Survey and Boundaries Act of 1094 (Act X of 1094) and the Cochin Survey Act 11 of ao74 , are hereby repealed.

(2) Notwithstanding such repeal-

(a) anything done or any action taken, including any appointment or delegation made, order or direction issued or rule

made under any of the aforesaid Acts shall be deemed to have been made or issued under the corresponding provision

of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken

under this Act.

(b) all suits and other proceedings under any of the aforesaid Acts pending at the commencement of this Act, before

any court or other authority, shall be continued and disposed of under that aforesaid Act, as if that aforesaid Act had continued in force and this Act had not been passed.

II. RULES UNDER THE KERALA SURVEY AND BOUNDARIES ACT

G.O (P) No.544/64/Rev. Dated, Trivandrum, 26th August, 1964

S.R.O No. 255/64 :- In exercise of the powers conferred by section 22 of the Kerala Survey and Boundaries Act, 1961

(Act 37 of 1961) the Government of Kerala hereby make the following rules the same having been previously published as required by sub-section (1) of the said section, namely :-

1. Short title and commencement:- (1) These rules may be called the Kerala Survey and Boundaries Rules, 1964.

(ii) They shall come into force on the first day of September 1964.

2. Definitions – In these Rules, unless the context otherwise requires –

(a) “Act” means the Kerala Survey and Boundaries Act, 1961 (Act 37 of 1961);

(b) “Field mark” means the mark placed at the bends and junctions on the boundaries of survey fields and

sub-divisions and includes marks placed on village boundary, Khandom boundary and other offset stones.

(c) “form” means a form appended to these rules;

(d) “section” means a section of the Act;

(e) “theodolite mark” means the mark placed at the stations where a theodolite is set up and observations made.

3. Specifications of Survey marks :- Survey marks shall ordinarily be stones of durable quality, namely granite stones of the following descriptions and dimensions

(1) Field stones :- Granite stones of durable quality roughly squared of approximate dimension 60 cm x 15 cm x 5 cm

with a plummet hole, 1 cm deep cut on the side.

(2) Theodolite stones :- Granite stones of durable quality roughly squared of approximate dimensions measuring 60

cm x 15 cm x 15 cm with a plummet hole, 1cm deep cut on the top and a coconut tree mark 1 cm deep cut on one side

(G.O)p) 367/76/RD , dated 3rd March 1976).

The survey marks which have been duly planted under proper authority before the commencement of these rules shall be deemed to be of the prescribed description and size.

4. Symbol for identification : - The following symbols shall also be cut on theodolite and field stones to facilitate identifications.

(a) on a theodolite stone at a village trijunction, a triangle one cm deep enclosing the plummet hole;

(b) On a theodolite stone at any other point on the village boundary, two parallel lines one cm, deep one on either side

of the plummet hole and parallel to the boundary line;

(c) on a theodolite stone on a khandom boundary, a circle one cm, deep enclosing the plummet hole;

(d) on all other theodolite stones a plummet hole one cm, deep on the top.

(e) on a field stone on the boundary of a village plus mark (+) one cm deep on the top, and

(f) all survey marks erected during town survey shall have in addition to the above marks a square of 7 cm side cut

one cm, deep on the top.

5. Symbols on Survey marks on frontier boundaries :- (1) In the case of survey marks on the frontier boundaries, symbols

of the neighboring states shall also be cut on the respective sides.

(2) The stones erected by other Departments on boundaries of lands may be recognised as survey marks if the proper

symbols as provided under rules 3 and 4 are cut on them and if their specifications are not below those described under

rule 3.

6. Survey marks on rocks :- When stones cannot be planted owing to the position of a survey mark falling on a rock, the survey mark shall be cut on the rock. Squares of 20 cm side or 15 cm side as the case may be shall be chiseled on the rock, and the coconut tree mark shall be cut adjoining the square. The distinguishing symbols mentioned in rule 4 shall also be cut inside the square according to the nature of the boundary.

7. Survey marks in special tracts. – (1) In low lying lands and backwaters, the sizes of the theodolite stones shall vary from 150 cm x 20 cm x 20 cm to 250 cm x 20 cm x 20 cm and field stones shall be of dimensions varying from 100 cm x 15 cm x 15 cm. to 200 cm x 15 cm x 15 cm according to the needs of the locality.

(2) When water in low lying lands and backwaters is too deep even for stones of the sizes mentioned in sub-rule (1) , a hard and stout coconut stem with the coconut tree mark painted in tar on the side near the top, shall be planted firmly so that a length of at least one metre may be buried under the ground and a length of above 50 cm. may be visible above high water level.

(3) In exceptional cases, where survey marks of the prescribed quality and dimensions cannot be obtained at reasonable cost, the Director of Survey and Land Records shall for reasons to be recorded in writing suitable survey marks.

8. Service of Notice :- All notices and communications required under the Act shall be in writing. When the registered holder or other person on whom any of the notices or communications under the Act have to be served is not available, service may be effected by delivering the notice or communication to some adult member of his family at his usual place or residence or to his authorized agent or by affixing it in some conspicuous part of his last known residence or on some conspicuous part of the land to which the notice or communication relates. When service is effected by so affixing the notice, the serving officer shall note the method of service on the form of acknowledgement which is returned to the officer issuing the notice or communication.

LAND RECORDS MAINTENANCE

9. Maintainable survey marks :- (1) The maintainable survey mark shall be the following.

(a) All theodolite stations ;

(b) Survey marks at the junction of survey fields, end of ;’ lines , or base lines and in the case of Government land bends also on subdivision boundaries. (G.O (P) 1568/75/RD ., dated 24th November 1975).

(2) A survey mark shall be deemed to require repairs –

(a) When it is out of the ground, or is buried less than 2/3 of its length or is completely under the surface of the ground.

(b) When it is out of its correct position; and

(c) when it is covered with vegetation.

10. Inspection of survey marks :- Any Survey Officer shall be competent to inspect all the maintainable survey marks.

When a survey mark is found to require renewal or repair, the Survey Officer shall issue notice under sub-section (2) of section 15 in Form No.1 to the concerned registered holder.

11. Report of the Village Official about damaged survey marks :- The report of the village official under sub-section (b) of section 17 shall be made to the Taluk Surveyor or the Revenue Inspector by an entry in an inspection register and extract of which should be submitted periodically.

12. Renewal and repair on failure of registered holder :- If the registered holder of any land fails to carry out the repairs or

renewal within the period specified in the notice, any officer empowered under the Act within whose jurisdiction the land lies shall renew or repair the survey marks at Government cost, which will be recovered later from the registered holder of the land in the manner specified in rule 17.

13. Cost of renewal and repair of survey marks :- The cost of renewing a missing stone or repairing a stone shall be according to sub –rule (b) to (d) of rule 85.

14. Apportionment of cost :- The cost of the renewal or repair of each survey mark shall be apportioned as laid down in rule 85 (e).

15. Maintenance of survey marks on the boundary between Government lands and Registered lands:- In the case of a survey mark on the boundary between Government lands and registered lands, the registered holders or owners of registered lands touching the survey mark shall be responsible for the maintenance of the survey marks on the boundary.

16. Orders under section 15 (1) to be communicated by the Tahsildar :- Orders passed under sub section (1) of section

15 imposing charges for renewal or repair of survey marks shall be communicated to the registered holder in Form No.2.

Where officers other than Tahsildars concerned pass orders, such communication shall be made through the Tahsildars concerned. For this purpose the notice shall be prepared in duplicate and the Tahsildars shall after serving the notice on the registered holder, return the original to the officer issuing the notice.

17. Recovery of charges for renewal or repair of survey marks :- If no appeal has been preferred or if an appeal has been preferred after orders are passed on that appeal, the authority concerned shall issue a notice to the registered holder in Form No.3 for the recovery of charges for renewal or repair of survey marks through the Tahsildar of the taluk in which the land is situate. For this purpose the notice shall be prepared in duplicate and the Tahsildar shall after serving the notice return the original to the officer issuing it. Another copy of the notice shall also be sent by the officer issuing it to the Tahsildar who shall take steps for the recovery of the amount after serving the notice as aforesaid.

18. Verification and maintenance of /State boundaries forming boundaries of forests :- (1) whenever the State boundary forms the boundary of Reserve Forest, or private forest, the divisional Forest Officer, within whose jurisdiction the Reserve Forest or Private forest is situated, shall be responsible for periodical joint inspection of such boundary with representatives of the bordering states.

(2) The notes of joint inspection with illustrative sketches showing the position of survey marks inspected, shall be forwarded to the collector of the district with copy to the Assistant Director of Survey and land Records having jurisdiction. The Collector shall make arrangements for attending to the repair or renewal of the survey marks jointly with the authorities of the neighbouring states after the estimates are got approved by the respective Governments.

19. Verification and maintenance of State boundaries in other cases :- In all other portions of the State boundaries, the Tahsildar concerned shall be responsible for periodical joint inspection with the authorities of the neighboring states. The joint inspection report with illustrative sketches showing the positions of survey marks inspected, shall be prepared and submitted to the District Collector with estimates necessary for repairs and renewal of survey marks. After the estimates

are got shall be attended to by the maintenance staff of the taluk, after observing necessary formalities under the Act.

20. Charges for the repairs and renewals of the State boundaries :- The bill of charges for the repairs and renewals of survey marks on State boundaries shall be submitted to the concerned District Collectors for further action.

21. Inspection and maintenance of survey marks on lands under the control of the Central Government:- The inspection and maintenance of survey marks on the lands under the control of the Central Government shall be attended to jointly by the District Collector or his nominee and a representative of the concerned department of the Central Government.

22. When to make fresh subdivisions :- A fresh subdivision in a survey field or subdivision thereof may be created in the following circumstances ;-

(1) (a) when survey field or a subdivision of a survey field is to be further subdivided under the rules for joint registry or transfer of registry.

(b) When a transfer of registry of a portion of a survey number or subdivision is to be made as per the Kanam Tenancy Act, 1955.

(2) When portions of survey fields or subdivisions are leased out under the rules for the issue of mining leases, and

when portions of surveyed Government lands are leased out for a period of 12 years or more.

(3) When Government lands are transferred from assessed to unassessed and vice versa.

(4) When a new subdivision has to be created under the Kerala Land Acquisition Act, 1961.

(5) when a subdivision has to be effected for transfer of Government land to the control of a Local Body or any

Department of Government.

(6) When a subdivision has to be made under the Kerala Land Relinquishment Act, 1958 to write off land tax after

acceptance of the relinquishment by the District Collector.

(7) When a subdivision has to be made for classification of land for the purpose of land revenue assessment .

(8) When a new subdivision has to be created for giving effect to any law.

23. Procedure for effecting a subdivision :- In case of fresh subdivision under clauses (2) to (8) of rule 22 the provisions

of section 6,7,9,10,11 and 13 of the Act shall be followed. The notice under subsection (2) of section 9 shall be in Form

No.4 and the notice under sub-section (2) of section 10 or sub section (1) of section 11 shall be in Form No.5

24. Measurement of new subdivision by Village Assistant where no special agency is employed :- whenever a new sub

division has to be created under rule 22 and wherever a special agency is not employed the Village Assistant shall

measure the proposed subdivision on the ground. But no subdivision shall be measured in respect of cases for transfer

of registry, unless there are clear and well defined boundaries at site, showing the limits of the new subdivision. Every

applicant for transfer of registry shall remit the subdivision fee prescribed under rule 92. On receipt of application, the

Tahsildar shall forward it to the Village Assistant after registering it in a register of new subdivision cases. The Village

Assistant shall measure the new sub division boundary according to its alignment as seen on ground, after issue of

intimation to there parties in Form No.6, prepare a regular subdivision sketch and subdivision statement in duplicate in

Form No.7 and submit them to the Tahsildar through the Taluk Surveyor, Town surveyor or revenue Inspector as the

case may be. The signature of all the parties involved in the subdivision case, in token of their approval of the extent and

boundaries of the new subdivisions, shall as far as possible be obtained in the sketch and the subdivision statement. The Tahsildar shall get the subdivision sketch and subdivision statements scrutinized by the Superintendent of Survey and Land Records,

25. No durable demarcation of new sub division to be made in certain cases:- No durable demarcation of the new subdivisions need be made in respect of the cases falling under sub-rule (1) of rule 22 and in all other cases durable demarcation shall be compulsory.

DEMARCATION AND SURVEY OF REGISTERED BUT UNSURVEYED SUBDIVISIONS

26. Extent of application: - The rules under this Part shall apply to cadastral surveyed fields and not to minor circuits within which such unsurveyed registered holding are situated.

27. Request for demarcation of registered lands :- When the registered holder of a settlement or post settlement or current pokkuvaravu subdivision which as not yet been demarcated and surveyed, applies for the demarcation and survey of his land, it shall be done at his cost. The application for the purpose shall be made in Form No 8 to the

Tahsildar of the taluk in which the land is situated.

28. Rates of Survey charges: - the applicant at the rates specified below shall deposit Survey charges under rule 27 in advance.

(a) When the area to be surveyed is one acre 40 area or less ten rupees.

(b) When the area to be surveyed is more than one acre 40 ares ten rupees for the first acre 40 ares and Re.1 for every additional acre 40 ares for fraction thereof.

Provided that in cases where the above rates are inadequate owing to the heaviness of work involved on the demarcation and survey, the Tahsildar may fix higher rates according to the special circumstances of the case in consultation with the Superintendent of Survey and Land Records of the District.

29. Notice by Tahsildar :- The Tahsildar shall, after determining the charges to be levied, issue notice to the applicant in Form No.9 informing him of the amount to be deposited.

30. Refund of survey charges. _ The survey charges shall be remitted into the treasury under the appropriate head of account. These charges shall not be refunded unless the work could be done owing to the original survey records being incomplete or discrepant or due to other causes. In such cases, the Tahsildar shall report the matter to the District Collector and get his sanction for the refund.

31. Failure to deposit survey and demarcation charges :- If the applicant fails to deposit the survey charges within the period prescribed in the notice, the application shall be rejected.

As amended by Notification No.G.O (Ms) 575/65/Rev., dated 29th June 1965.

32. Issue of notice on deposit of charge :- If the amount is deposited, the Tahsildar shall forward the application to the Taluk Surveyor or Town Surveyor or Revenue Inspector as the case may be for demarcation and survey of the lands

who shall issue notice in Form No.6 to the applicant and also to the registered holders of all the unsurveyed subdivisions with in the survey number of surveyed sub-number containing the registry, to be surveyed and demarcated.

33. Preliminaries for sub division survey :- Before undertaking subdivision of any unsurveyed revenue field, the boundaries of the survey field or its surveyed subdivision containing the unsurveyed revenue field must be refixed according to existing records of measurements, and necessary repairs, renewal of survey marks carried out. Then all the

unsurveyed revenue subdivisions of fields falling within the boundaries of the refixed survey field or its subdivision must be surveyed and the applicant shall be liable to pay fees for the whole area of the survey or revenue numbers so surveyed.

34. Demarcation of new subdivision boundaries in accordance with Government records , etc. :- Subdivision boundaries which are to be newly demarcated shall be demarcated and surveyed in accordance with Government records and documents of title wherever such records and documents indicate the measurement, extent and shape of the subdivision to be made, and in the absence of such records and documents the boundary shall be demarcated and surveyed in accordance with the limits of enjoyment as seen on the ground.

35. Parties to provide new survey marks etc.- For measuring subdivision lines and interior lines, the concerned parties shall provide new survey marks and necessary labour , failing which, the work shall be carried out at the cost of the Government in the first instance and the same shall be recovered from the party concerned.

36. Submission of subdivision sketches, etc., to the Tahsildar. – The Taluk Surveyor or other authority concerned shall measure the subdivision and prepare the subdivision sketches and necessary subdivision statements in duplicate and submit them to the Tahsildar with the served copy of the notice in Form No.6 and the bill of cost of the work. The Tahsildar shall get the subdivision sketches and subdivision statement scrutinized by the superintendent of survey and Land Records.

As amended by Notification No.G.O (MS) 575/65/Rev. dated 29th June 1965.

37. Complaints to be disposed of by the Tahsildar:- Complaints received during the course of the survey and demarcation shall be enquired into and disposed of by the Tahsildar.

38. Tahsildar to issue notice of completion of survey :- The Tahsildar shall issue notice of the completion of the survey in Form No.4 to all the parties affected by the survey.

39. Appeal to the Superintendent of Survey and Land Records :- Appeal against the orders of the Tahsildar shall lie to the Superintendent of Survey and Land Records of the district whose decision shall be final.

40. Superintendent of Survey and Land Records to issue revised records :- After the disposal of the land complaints, the Superintendent of Survey and Land Records shall issue the revised records to the Village Officers through the Tahsildar.

The changes if any resulting from the survey shall be incorporated in the rerecords immediately and the fact verified at the time of Jamabandy.

41. Procedure for survey of settlement subdivisions which are porambokes :- when settlement subdivisions which are porambokes remain insurveyed in fields already surveyed, they shall be surveyed and demarcated as provided hereunder.

(1) The poramboke subdivision in a survey number or revenue field shall be surveyed first, as seen on ground.

(2) When the poramboke subdivision shown in the divide sketch in one portion of the survey number or revenue number lies in a different portion, demarcation shall be according to the existing position of the poramboke.

(3) The demarcation shall be confirmed according to the existing shape of ground in the following cases, namely.

(a) If the area calculated is the same as the settlement area though its width is more or less than the width recorded in the divide sketch, and

(b) If the area calculated is more than the area recorded in the settlement register and if the width is not greater than the

width recorded in the divide sketch.

(4) If the existing area and width are less or greater than the settlement area and the divide sketch measurements the whole survey or revenue field with the poramboke and all other subdivisions in it shall be surveyed according to existing limits.

(v) If the area of the next adjoining subdivisions shows any excess that excess shall be added on to the poramboke and treated as encroachment as far as there is deficit in the recorded area of the poramboke.

(vi) When the whole if the poramboke subdivision of any survey number or revenue field as seen on ground lies in the

adjoining survey or revenue number, the poramboke subdivision shall be demarcated within the survey number or revenue number defined as per the settlement register, so as to cover the settlement area and by the side of the existing poramboke.

42. Basic for demarcation of subdivisions acquired under the Land Acquisition Act:- In the case of subdivisions acquired by the Government under the Land Acquisition Act, but not yet surveyed and demarcated, the measurement sketch in the land acquisition, file or in its absence the extent acquired or other revenue records available, shall be the basis for demarcation.

43. Application for pointing out boundaries of registered lands already surveyed and demarcated:- Application for pointing out boundaries of registered lands already surveyed and demarcated shall be made by the registered holder in Form No.10 to the Tahsildar of the Taluk in which the land is situated.

44. Fee for pointing out surveyed boundaries: - For pointing out boundaries, fee shall be levied at the rate specified in rule 94.

45. Notice to remit fees:- The Tahsildar shall issue a notice to the applicant, in Form No.11 directing him to remit the required fee. After the prescribed fee is remitted, the Tahsildar shall forward the application shall be rejected.

46. Failure of deposit fees:- If the applicant fails to deposit the fee within the period prescribed in the notice in Form No.11 the application shall be rejected.

47. Refund of fees:- The fee shall not be refunded to the applicant unless the Tahsildar finds that the work could not be done owing to the original survey records being incomplete or discrepant or due to other unforeseen reason. In such cases, the Tahsildar shall obtain the sanction of the District Collector for the refund.

48. Notice to the applicant and pattadars of adjoining lands:- Notice in Form No.12 shall be issued to the applicant as well as to the pattadars of the adjoining lands by the Survey Officer attending to the work before the work is started.

49. Failure to comply with the notice under rule 48.- If the fails to produce necessary survey marks or coolies for the line clearance in spite of the notice issued in Form No.12, the application may be returned by the Survey Officer to the Tahsildar starting the above fact; and the Tahsildar shall be competent to reject the application for such defaults on the part of the applicant. The applicant shall also forfeit the amount deposited by him in case his application is rejected.

Complaints on the question whether there has been a default shall be enquired into and disposed of by the Tahsildar and his decision thereon shall be final.

50. Pointing out or refixing boundaries by the Survey Officer.- The Survey Officer shall point out or refix the boundaries according to the recorded measurement. The renewals and repairs of Survey marks shall be executed by the Survey

Officer and a refixing sketch shall be prepared and kept in the file.

51. Notice of completion of work.:- After the application and records are received from the Survey Officer the Tahsildar shall issue a notice in Form No.13 or Form No.14 , as the case may be, to all parties affected by the survey, about the completion of the work.

52. Appeals against refixing boundaries.:- Appeals against the refixing work done by the Survey Officer shall be preferred before the Superintendent of Survey and Land Records of the district within a period of three months from the date of service of the notice in Form No.13 or Form No.14 as the case may be. The decision of the Superintendent of Survey and Land Records in the matter shall be final.

CORRECTION OF PREVIOUS SURVEY MEASUREMENT

53. Correction of chain survey measurements.:- The survey measurements already recorded by the process of chain survey, shall be corrected, if the error found on verification exceeds the following limits:- In the areas where the survey records are maintained according to Town Survey System $1\frac{1}{3}$ decimeters for a distance of $200\frac{1}{60}$ metres and under, and not more than $1\frac{1}{3}$ decimeters for every $200\frac{1}{60}$ metres for distances exceeding $200\frac{1}{60}$ metres subject to a maximum of $3\frac{1}{9}$ decimetres.

In other areas, 5 links/10 decimetres for a distance of 5 chains 100 metres and under and not more than 1 link/2 decimetres, per chain/20 metres for a distance over 5 chains/100 metres subject to a maximum of 10 links/20 decimetres

in wet lands and 20 links/40 decimetres in dry lands.

54. Correction of theodolite survey measurements.:- (1) In the case of theodolite surveys the recorded angle as per previous survey shall be corrected, if the angle observed at the same station differs by more than three minutes.

The limit of tolerance allowable in linear measurements of a theodolite traverse survey shall be as follows:- For distance

for 100 links /20metres or below One Links/2Decimetres For distance above 100 links/20metres up to and including 500 links /100metres , One link/2decimetrs.

For distance over 500 links/100 metres One link/2 decimetres fir every additional 250 links/50 metres

55. Discrepancy to be removed as per per actual measurements on Fround :- If the differnce between the recorded measurements for a common boundary does not exceed the limit prescribed under rule 53 or rule 54. the discupancy shall be reconciled as per actual measurements on ground.

56. Limits of error in the case of recorded area of fields or subdivisions :- In the case recorded areas of fields or subdivisions, the allowable limits of error shall be as follows:-

(a) In the case of survey fields or subdivisions in the former Travancore area five cents² area up to 5 acres/2 hectares

and one per cent above five acres /2 hetares extent.

(b) In the case of Taluk of Palaghat and Walluvanad of the former Malabar district , 10 per cent of the registered extent.

(c) In other case, 5 cents/2 areas per acre/40 ares of registered extent.

57. Correction of measurements expect in the case of state boundaries:- The measurements found wrong as per the proceeding rules shall be corrected in the follwing mannar expect in the case of measurements on the State boundaries .

The Village Assistant or Survey Officer Shall have power to enter upon any land falling with his jurisdiction and examine whether upon any land falling within his jurisdiction and examine whether any recorded measurement in the previous survey is erroneous.

58. Correction of chain survey measurements to be with the sanction of the Superintendent of Survey and Land Records:-

(1) No Correction or addition or omission to the existing linear measurements in the final records of survey of a field surveyed under chain survey and Land Records of the district and without issue of notice in form No. 14 to the registered holders concerned.

(2) Having satisfied himself by field verification of the discrepancies in linear measurements and after issuing notice in form No. 14 to the concerned registered holders and after disposing of their objections if any raised in the matter a Survey and Land Records through the Tahasildar for sanction of the proposals and order necessary changes in the records of survey and settlement, except in respect of the cases mentioned in rule 60 below.

59. Sanction of Government necessary for correction of District or State boundary:- Wherever the correction of

measurements involves any change in the District boundary or State boundary, instead of the Superintendent of Survey and Land Records, the Government shall be the competent authority to sanction the alteration of measurements.

60. Sanction of District Collector or Assistant Director necessary in certain cases:- Whenever the correction of

measurements involves a change in the existing area of the field or its subdivision by more than 5 per cent the area in the memorandum of alteration shall be checked and certified as correct by the Superintendent of Survey and Land

Records of the district and the District Collector shall be the competent authority to sanction the alteration of area. No

correction to the existing measurements in the theodolite survey records or town survey records shall be made

without the previous sanction of the Assistant Director of Survey and Land Records having jurisdiction over the area.

When corrections are found necessary, a draft memo of alterations with illustrative sketches shall be prepared by the

Survey officer proposing corrections after duly enquiring into the discrepancy in the measurements and disposing of the

objections, if any, put in by the registered holders of the fields affected by the proposed correction, and forward it to the

Assistant Director of Survey. The Assistant Director of Survey shall, on receipt of the draft memo of alterations, scrutinise

them and having satisfied himself of the necessity for the correction, may approve it and order necessary corrections in

the records. Whenever the corrections involve changes in the recorded areas of fields or subdivision, the Assistant

Director shall after technical scrutiny, forward the memorandum of alterations to the District Collector for sanction and

ordering the changes in the concerned records.

61. Procedure for alteration of recorded areas:- The following procedure shall be followed for the alteration of a recorded area:-

The field shall be re-measured and area recomputed by the Survey officer. If the difference between the recorded and

recomputed areas exceeds the limit prescribed in rule 56, memorandum of alterations shall be prepared by the Survey

officer and submitted through the Tahasildar to the Superintendent of Survey and Land Records of the district for

technical scrutiny. On receipt of the memorandum for the alteration of the area duly approved by the Superintendent of

Survey and Land Records, Tahasildar shall issue notice in Form No. 14, to the concerned registered holders. In

preparing the memorandum, if the error in the total area of the entire survey fields is within the allowance and area of any

of the component subdivisions exceeds the allowance prescribed in rule 56, the areas of all the subdivisions in the survey field shall be recomputed and ratably adjusted so as to agree to the total area of the field.

After disposal of complaints, if any, the Tahasildar shall in necessary cases submit the alteration memorandum to the District Collector for sanction. The changes in survey and settlement records shall be carried out only on receipt of orders sanctioning the alteration proposed in the memorandum.

62. Technical scrutiny to be conducted by the Assistant Director in certain cases. – In case of alteration of areas involving correction of theodolite measurements, the technical scrutiny of the survey records shall be conducted by the Assistant Director of Survey and Land Records having jurisdiction over the area .

63. Resurvey where there is no error in the measurements but the boundaries on ground disagree,- Where there is no error in the measurements but the boundaries on the ground disagree with the records, the field must be resurveyed in accordance with the actual facts of enjoyments, except in the case of poramboke, where each case will be dealt with on its own merits.

64. Certain alterations in the village boundaries to be reported to the Director of Survey and Land Records.- The traverse alterations referred to in rule 60, all perceptible on the map on scale of 14000 shall be reported immediately to the Director of Survey and Land Records.

ORIGINAL SURVEY AND RESURVEY

65. Records to be prepared by the Survey Officer in the case of cadastral survey.- For the cadastral survey of an area the following of an area the following records shall be prepared by the Survey Officer before the completion of survey of such area is notified under section 13.-

(i). Field register showing the number and area of each survey field and subdivision, and as far as ascertainable, the tenure and ownership of the same;

(ii). record of measurement or field measurement book plotted to scale and showing measurement taken for each field and subdivision;

(iii). map plotted to scale showing all survey fields with important topographical details.

66. Points to be demarcated with survey marks.- The following shall be the points to be demarcated with survey marks of the specifications prescribed under rules 3 to 7;-

(i). Terminal points of traverse lines;

(ii). bends and junctions of all fields except in areas surveyed under diagonal and offset system where stones, need be

planted only at field trijunctions. [G.O.(p) 1568 [75] RD, dated 24th November, 1975 1,

(iii). bends on the boundaries of Government lands inclusive . of those vested in local bodies by the Government ;

(iv). terminal points of G. lines in street survey or town survey vertices of triangles formed during trigonometrical with theodolites. Triangulation

67. Limits of enjoyments as seen on ground to be followed in demarcating boundaries in certain cases;- In demarcating

boundaries of few fields in unsurveyed tracts, or boundaries of enjoyments as seen on ground shall be followed as far as

possible , unless there are valid documents to prove beyond all reasonable doubt that the boundaries have to be

demarcated otherwise. The new fields created in unsurveyed tracts shall not wet lands and 10 acres /4hectares

approximately in the case of dry lands.

68. Application for survey under section 5.- The application of the registered holder for survey under section 5 shall be in

Form No. 15 and shall be submitted to the Collector through the Tahasildar . Each such application must bear the countersignature of the Village officer of the village in which the property is situated and shall be accompanied by a chalan receipt of five rupees under the appropriate head. If the Collector, after such enquiry as he may deem fit, is satisfied that a survey under section 5 is necessary, he shall order accordingly.

69. Fee remitted under rule 68 not to be refunded:- The fee remitted along with the application referred to in rule 68 shall not be refunded under any circumstances.

SURVEY OF MINOR CIRCUIT FIELDS

70. Survey of Minor circuit field:- Before taking up the survey of a minor circuit the procedure prescribed in the Kerala Survey and Boundaries Act shall be observed. The Tahsildar shall furnish revenue list and key maps, and copies of original measurement sketches wherever available.

71. Registered lands in minor circuit to be located with reference to revenue records etc.:- All the registered lands within the minor circuit shall, as far as possible, be located with reference to revenue records, limits of enjoyment and documents of title.

72. Excess area of possession to be cut off and sub-divided:- If the existing extent of possession of a registered holder is less than the registered extent, the deficit, if it is less than 5 per cent or six cents/2 area whichever is less, shall be ignored; but if the deficit exceeds the above limits, the matter shall be brought to the notice of the appropriate authorities of the Revenue Department.

73. Deficit extent of registered holding to be made good:- If the existing extent of possession of a registered holder is less than the registered extent, the deficit, if it is less than 5 per cent or six cents/2 area whichever is less, shall be ignored; but if the deficit exceeds the above limits, the matter shall be brought to the notice of the appropriate authorities of the Revenue Department.

74. Deficit in registered area in minor circuit:- If the registered area in a minor circuit field cannot be fully located as compact block, the matter shall be brought to the notice of the appropriate authorities of the Revenue Department.

75. Demarcation of Railways, etc.:- Railways, cart tracts, footpaths and channels which are now seen in the minor circuits shall be demarcated as such in the survey. As far as possible, access shall be provided to each subdivision by utilising the Government lands available.

76. Encroachment in minor circuits:- Encroachments in minor circuits shall be surveyed and demarcated after locating all the registries in the field.

77. Provisions of section 9,10 and 13 to be followed before finalising survey in minor circuits:- Before the survey of minor circuits is made final, the provisions of sections 9,10 and 13 shall be followed.

78. Survey in minor circuits forming village sites:- In the case of minor circuits forming villages sites, the allowances prescribed in rule 72 and 73 shall not allowed and survey shall be conducted strictly according to enjoyment.

SURVEY OF VILLAGE SITES, MUNICIPAL TOWNS AND CITIES

79. Form of notification under section 6:- Before demarcating boundaries, a notification shall be published in Form No.16 or Form No.17 as the case may be.

80. Present limits of possession and enjoyment to be followed in demarcation of boundaries in minor circuits:- In demarcating boundaries between registered holdings within a minor circuit, the present limits of possession and

enjoyment shall be followed.

81. All subdivisions to be accounted for measured and mapped:- All subdivisions as per list furnished by the Tahsildar and the Commissioner of the Municipality or Corporation as the case may be, shall be accounted for, measured and mapped and subdivisions not shown in the above list may also be measured and shown in the map, provided they are based on documents evidencing proprietary rights and they are in separate possession and enjoyment of the registered holders, or persons entitled to registry, where transfer of registry has not been affected.

82. Survey porambokes and other Government lands. - Porambokes and other Government land shall be first surveyed according to the existing shape seen on the ground the areas calculated. In such cases, demarcation shall be confirmed

according to the existing state of ground in the following cases only.

if the area is found to be the same as the settlement area through the present widths or less than the widths recorded in the divide sketches.

if the area is found to be more than the area recorded in the settlement register through the present widths are not

greater than the widths recorded in the divide sketches;

if the area is found to be less than the area recorded in the settlement register, but the width is not less than that

recorded in the division sketches .

83 Excess areas of adjoining subdivisions to be added to porambokes and other Government lands:- If the present area

and measurements of porambokes and other Government lands are both less than the settlement areas and divided

measurements respectively, and if the areas of the adjoining subdivisions show any excess, such excess shall be added

to the porambokes or other Government land treated as encroachments as far as there is deficit in the recorded width of

the poramboke or other Government lands.

RECOVERY OF COST

85. Recovery of the cost of survey. - (a) Recovery of the cost of the operation prescribed in sub-section (3) of section 6 of

a specified area or a block taken up for survey shall be made as soon as the field work thereof is over.

The cost of renewing a missing stone comprises of the following items:-

(i)The cost at the village depot of the stone of the required size and description, if the stone are available, and in other

cases the cost of a stone in the locality fixed by the Tahasildar, or any other Survey officer

(ii) All labour charges required for items such as measurements in field cone vance and planting of survey marks, cutting

of symbols and such other incidental items subject to a maximum of Rs.2 per stone.

A fixed charge Re. 1 per stone for the time and labour of the Government staff employed.

(c)The cost of repairing a stone shall be the actual cost of the hired labour, subject to a maximum of Rs.2 per stone, and

also a fixed charge of Re. 1 per stone towards the time and labour of the Government staff.

The District Collectors and the Director of Survey and Land Records may in deserving cases, enhance the cost of hired

to actual expenses according to the requirements of the cases, irrespective of the maximum fixed above.

The cost of renewal or repair of each survey marks shall be apportioned in equal preparation among the registered

holders of all fields touching the stone repaired or renewed.

86. Manner of recovery of cost.- Recovery of the cost of the survey operations prescribed in sub-section (3) of section 6

shall be made according to rules 95 and 96.

87. Notice of recovery.- when charges are recoverable under sub-section (5) of section 6 or section 7 notice of the

determination and apportionment shall be served through the revenue authorities in Form No.19.

88. Notices in the case of survey works undertaken by the L.R.M. staff:- In the case of survey works undertaken by the L.R.M. staff, the Town Surveyor or Taluk Surveyors or Revenue Inspector shall prepare the notices.

89. Appellate authorities:- The copies of the notice or order served under rule 87 shall be returned and appeals if any

against such decision or order shall be disposed of by the following authorities:-

(i). Where the decision or order as the case may be, is of the Town surveyors, Taluk surveyors or Revenue Inspectors, by the Tahsildar of the Taluk.

(ii). Where the decision or order as the case may be, is of the Head Surveyors or Superintendent of Land Records in the Range Offices or in special survey parties in the Range Offices, by authority to whom such officer is immediately subordinate.

90. Issue of notices and demand statements :- After disposal of appeals under section 11 or sub-section (3) of section

16, notices in Form No.3 shall be served on the parties concerned and the demand statement in Form No.20 or Form

No.21, as the case may be, shall be furnished to the District Collector by the Assistant Director of survey and Land

Records in charge of the Range or the Rahsildar, as the case may be, for further action in the matter of recovery.

91. Form of order under section 15 (1) and notice under section 6(5):- The order for recovery under sub-section (1) of

section 15 shall be in Form No.2 and the notice under sub-section 6 shall be in Form No.19.

92. Fees for transfer of registry :- In the case of sub-divisions for transfer or registry falling under rule 24, the following

shall be the rates of fees payable by the applicant along with the application:-

(i). two rupees for subdivision to be surveyed, (or)

(ii) two rupees for the first one acre/40 or fraction thereof, whichever is higher.

93. Power of district Collector to enhance rates:- In case which are really difficult involving much labour and expenditure

where the above rates are not workable, enhanced rates may be fixed by the District Collector.

94. Fees for pointing out boundaries:- Wherever the boundaries of survey fields or subdivisions thereof already surveyed

and mapped have to be pointed out to the registered holders on their application, fee at the following rates shall be

payable:-

Two rupees (Rs.2) for every boundary line of the field or subdivision thereof. In cases that are really difficult involving

much labour and expenditure where the above rates are the district collector may fix not workable, enhanced rates.

95. Appointment of charges under section 6 (5) and 7: - When a survey is ordered under section 4 or section 5 and the

charges determined under sub-section (5) of section 6 or section 7 for any village or part of any village, such charge shall

be apportioned on the land surveyed in proportion to the area thereof as ascertained in the manner specified below:

(i). The area of the fields for which the holders have supplied labour and survey marks, shall be deducted from total area

dealt with;

(ii). The total area surveyed and the rate of survey charges per hectare determined shall divide the total charges. The

rate of charges for fields of over 20 hectares in extent shall be computed at one-fourth of the rate determined for one

hectare as aforesaid. The charges shall be recovered from all the registered holders at the rate so computed.

Government being treated as registered holder of unoccupied lands [G.O. Rt. 2224/74/RD, dated 22nd November, 1974].

96. Determination of the rates of survey charges:- The determination of provisional rates at which charges have to be levied shall begin as soon as the field work in respect of a specified area or block is over.

97. Demand to be sent to the Revenue Department for collection:- The demand together with a list of the excluded fields shall be sent to the Revenue Department for collection. The balance of the cost relating to the surveyed area shall be carried forward for apportionment in the succeeding month.

98. Procedure of collection in Revenue Department:- As soon as each demand is received, the Tahsildar shall work out the demand separately for each holding and forward the demand notice in duplicate to the Village Officer for collection.

99. Calculation of average rates in case of town surveys:- In the case of town surveys, the average rate for the recovery of the cost of stones and their labour shall be calculated in the following manner:-

(i). The blocks into which the town has been divided during survey will be classified as 'close', 'medium' and 'open' according to the number of houses in them. An acre/40 Ares of close area shall be considered as equivalent to 4 acres/160 areas of medium and 12 acres/480 Ares open area .

(ii) The total charges shall be divided by the total area in acres/ares terms of open area. The average of charges having been thus determined for open areas that for medium area shall be computed a three times the rate open area and that for close area at twelve times such rate.

(iii) That determine of the rate at which the charges have to be levied shall be made when the mapping of the town has been completed. the demand shall be sent to the Revenue Department for collection .

(iv) In determination of the demand against the municipality, the charges in respect of the lands owned by, vested in, or alienated to, the municipality shall be worked out and only two-thirds of the cost being met from the municipality, the remaining one-third being borne bu the Government

100. No deduction in case of surveys under section 4 or section 7. - In the case of surveys ordered under section 4 or section 7, no deduction shall be made and the principles apportionment shall be modified to that extent only.

DELEGATIONS OF POWERS

101. Powers to be exercised by various classes of officers.- The officers specified in column (1) of the shedule below shall exercise the powers under the section or sections specified against each in column (2) hereof: