

Published on 26.8.15

Thirteenth Kerala Legislative Assembly
Bill No. 365

**THE KERALA REVENUE RECOVERY
(AMENDMENT) BILL, 2015**

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2015

KERALA NIYAMASABHA PRINTING PRESS.

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further to amend the Kerala Revenue Recovery Act, 1968.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Revenue Recovery Act, 1968 for the purposes hereinafter appearing;

BE it enacted in the Sixty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Revenue Recovery (Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In the Kerala Revenue Recovery Act, 1968 (15 of 1968) (hereinafter referred to as the principal Act), in section 2,—

after clause (g), the following clause shall be inserted, namely:—

“(ga) “market value” means the market value as defined in clause (u) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013);”.

3. *Amendment of section 49.*—In section 49 of the principal Act,—

(1) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The market value of the property to be sold shall be fixed by the Collector or the authorized officer and only the required extent of the land proportionate to the amount due from the defaulter shall be sold.”.

(2) in clause (vi), in sub-section (2), in the last sentence, after the words “duly served”, the words “on the defaulter, the person claiming an interest in the property and the officer of the institution concerned who has issued the demand or the officer at whose instance, the proceedings have been initiated, if the sale is on behalf of an institution notified under section 71.” shall be inserted.

4. *Amendment of section 50.*—In section 50 of the principal Act,—

(i) in clauses (i) and (ii) of sub-section (2) and sub-sections (3) and (4), after the words “on behalf of the Government”, the words “or institution concerned” shall be inserted.

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The Government shall have the power to re-convey the land deemed to have been vested in the Government under sub-section (4) to the defaulter or his legal heir on such conditions as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

Section 49 of the Kerala Revenue Recovery Act, 1968 (15 of 1968) provides for the procedures to be followed for the sale of immovable property and section 50 of the Act provides for the procedure to be followed for ‘bidding on behalf of the Government’.

2. The Government have decided to bring certain amendments in the above sections with a view to introduce uniform procedure for reconveyance of bought-in-land. It is decided to incorporate definition of the expression ‘Market Value’ of land and also to provide that the required extent of land proportionate to the amount due from the defaulters shall be sold under section 49. At present Government are acquiring land where there is no bidders or the value of the sale of land is insufficient to settle the dues of the defaulters. The sale of the land through public auction is conducted as part of revenue recovery proceedings not only for the realization of dues of Government Departments but also for the realization of that of the institutions notified under section 71 of the said Act. Therefore it is decided to incorporate a provision for acquiring land in the name of respective institution, when revenue recovery proceedings are initiated for the recovery of dues of institutions notified under section 71 of the Act and land need to be acquired. It is also decided to include a provision to empower the Government to reconvey the land deemed to have been vested in the Government on such conditions, as may be prescribed.

3. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (5) of section 50, proposed to be inserted by clause 4 of the Bill seeks to empower the Government to prescribe the conditions on which the land deemed to have been vested in Government are reconveyed to the defaulter or his legal heirs.

2. The matters in respect of which rules may be made or notification may be issued are matters of procedure and are of routine or administrative nature. Further, after issue, they are subject to scrutiny by the Legislative Assembly. The delegation of power is, thus, of a normal character.

ADOOR PRAKASH

EXTRACT FROM THE RELEVANT PORTIONS OF
THE KERALA REVENUE RECOVERY ACT, 1968
(15 OF 1968)

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2. *Definitions*—In this Act, unless the context otherwise requires,—

(a) ** ** **

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(g) “land-holder” means the registered holder for the time being of any land and includes his legal representatives and assigns and any person who, under the law for the time being in force, is liable for the payment of the public revenue due on the land held by him;

(h) “movable property” includes growing crops;

(i) ** ** **

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49. *Procedure for sale of immovable property*.—Immovable property attached under this Act may be sold in accordance with the following provisions, namely:—

(1) The sale shall be by public auction to the highest bidder. The time and place of sale shall be fixed by the Collector or the authorized officer having jurisdiction over the village in which the property is situate.

(2) Previous to the sale, the Collector or the authorised officer, as the case may be, shall issue a notice thereof in English and in Malayalam and also in the language of the locality where such language is not Malayalam, specifying,—

(i) the name of the defaulter;

(ii) the position and extent of the land and of his buildings and other known improvements thereon;

(iii) the amount of revenue assessed on the land, or upon its different sections;

(iv) the amount for the recovery of which the sale is ordered;

(v) the proportion of the public revenue due during the remainder of the current financial year; and

(vi) the time, place and conditions of sale.

The notice shall be duly served and published at least thirty days before the date of sale.

(3)

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50. *Bidding on behalf of Government.*—(1) When an immovable property is put up for sale at the time and place specified in the notice under clause (2) of Section 49 for the recovery of arrears of public revenue due on land, if there be no bid or if the highest bid be insufficient to cover the said arrears and those subsequently accruing due up to the date of sale, together with interest and cost of process, the officer conducting the sale shall postpone the sale to another date which shall not be later than sixty days from the date of the first sale and give notice of the subsequent sale as required under clause (4) of Section 49.

(2) When the property is put up for sale on the date to which it was postponed under sub-section (1), at the time and place specified in the notice,—

(i) if there be no bid, the officer conducting the sale may purchase the property on behalf of the Government for an amount of ten paise;

(ii) if the highest bid be insufficient to cover the arrears referred to in sub-section (1) and those subsequently accruing due up to the date of the sale and interest and cost of process, such officer may bid on behalf of the Government for an amount higher than such bid by ten paise,

and in either case the Government shall acquire the property subject to the provisions of this Act.

(3) The provisions of clause (3) of Section 49 and Section 84 shall not apply to cases where immovable property is purchased on behalf of the Government under this section.

(4) Notwithstanding anything contained in this Act, after the confirmation of the sale, all the right, title and interest of the defaulter, purchased on behalf of the Government, shall be deemed to have vested in the Government from the date of purchase and if the defaulter is in actual possession of the property or if he is entitled to possession, the Collector or the authorized officer shall, immediately after the confirmation of the sale, take possession of the property. If the Collector or the authorized officer is opposed or impeded in taking possession, he shall, if a Magistrate, enforce the surrender of the land to himself and, if not a Magistrate, he shall apply to a Magistrate, and such Magistrate shall enforce the surrender of the land to the Collector or the authorized officer, as the case may be.

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