

GOVERNMENT OF KERALA
Law (Suits) Department

No..15872/C1/71/LAW.

Trivandrum,
Dated 8-12-1971.

Sub:- Satisfaction of decree amounts – orders by courts – instructions issued.

Instances have come to the notice of Government were due to inaction of officials and law officers to take prompt action either to satisfy the decrees passed by the Courts or to obtain stay of execution, decree holders had obtained orders of court attaching Government property. A duty is case on the District Collector and the concerned department to see that steps are taken either to satisfying the court decrees within the time allowed or for obtaining stay of the execution of decrees, so that orders of attachment are not issued by courts on petitions moved by the decree holder. The failure of the District Collector and the Department to make available funds for satisfying the decrees passed by various courts in land acquisition and other cases, results at times in the decree holders moving the court for execution of the decrees and getting orders from Court, even to attach state cars used by the Ministers and Treasuries of the State.

2. In appropriate cases, the question of filing an appeal has to be thought of in which cases prompt action should be taken by the department to move the Advocate General or the Government Pleaders concerned for filing appeal and getting stay of the judgement and the decree of the lower Court. In all other cases immediate steps may be taken to satisfy the decrees.

3. Unless prompt action is taken courts are likely to concede the request of the decree holders to attach the State property or Treasuries. To avoid such attachment and putting Government in an awkward position, it is hereby directed that the departmental Heads and the District Collectors should watch the decrees passed by the Courts and take immediate steps either to satisfy the decree in time where no appeal is possible on legal opinion or to take steps for staying the execution of the decree by moving proper courts. Any laches on the part of the departmental officials resulting in attachment of Government property due to omission to satisfy decree or to get stay of execution will be viewed and dealt with seriously.

Sd/- K. P. K. Menon,
Chief Secretary.

To

All Heads of Departments.

Endt. on G1 (L.Dis) 50990/71 dated 18-12-71

Copy forwarded to all Conservators of Forests for information.

Sd/-
for Chief Conservator of Forests.

Endt. on HA.26728/71 dated 27-12-71.

Copy to all sub officers for information.

Copy to G1, G2, E1, E2 and E3 sections for information.

Copy to stock file (HA).

For Conservator of Forests,
Trichur.