

GOVERNMENT OF KERALA

Abstract

Revenue Recovery – realisation of amounts other than public revenue due on land under section 36 A of the Travancore Cochin Revenue Recovery Act – deferring of – orders.

REVENUE (B) DEPARTMENT

G.O.(Rt).1002/RD.

Dated, Trivandrum, 17-7-1968.

Read:- From the Secretary, Board of Revenue Letter No.LRB5-42640/67 dated 23-11-1967.

ORDER

In the judgment in C.P.839/65 the High Court of Kerala held the view that section 36 A of the Revenue Recovery Act 1951 which was introduced as per the Kerala Revenue Recovery Laws Amendment Act 1964 would apply only to a case where property is put up for sale for arrears of public revenue due on that land. The High Court was of the view that section 36 A cannot be applied for a realisation of amounts other than public revenue due on land sought to be sold. This decision of the High Court is in agreement with the view taken by them on O.P. 823/63. The State has filed an appeal against the decision in o.p. 839/65 and it is numbered W.A.95/67, High Court. This W.A. has not so far been disposed of by the High Court.

The Secretary, Board of Revenue in his letter read above has suggested that pending decision in the Writ Appeal taking possession of brought in lands by Government in similar cases may be deferred for the present to avoid suits against Government.

Government after examining the question in detail agree with the suggestion of the Board of Revenue and order that taking possession of lands purchased by Government in auction under Section 36 A of the Travancore-Cochin Revenue Recovery Act for recovery of arrears other than public revenue due on land be deferred till the disposal of the Writ appeal 95/67, High Court.

(By order of the Governor)

Sd/-
Deputy Secretary.

Endt. on A4-30437/68 (F.Dis) dated 31-7-1968.

Copy forwarded to all Conservator of Forests/Divisional Forest Officers/Assistant Conservator of Forests/Working Plan Officers/Wild Life Preservation Officer/Silvicultural Research Officer/Forest Utilisation Officer/Forest Veterinary Officer/Liaison Officer/Principal Kerala Forest School for information.

Copy to section Heads and Officers in the Office of the Chief Conservator of Forests for informations.

Copy to stock file.

Sd/-
for Chief Conservator of Forests.

Endt. on A1-16838/68 (K.Dis) dated 23-8-68.

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for Conservator of Forests
Trichur.