

The Goa, Daman and Diu Realisation of Land Revenue Rules, 1969

GOA

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Rule

THE-GOA-DAMAN-AND-DIU-REALISATION-OF-LAND-REVENUE-RULES of 1969

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The Goa, Daman and Diu Realisation of Land Revenue Rules, 1969Published vide Notification No. RD/LRC/245/69-71/2, dated 16th February, 1971RD/LRC/245/69-71/II. - In exercise of the powers conferred by sub-section (2) of Section 199 of the Land Revenue Code, 1968 (9 of 1969) and all other powers enabling him in that behalf the Lieutenant Governor of Goa, Daman and Diu is hereby pleased to make the following rules:-

1. Short title and commencement.

(1)These rules may be called "The Goa, Daman and Diu Realisation of Land Revenue Rules, 1969".(2)They shall come into force at once.

2. Definition.

- In these rules, unless the context requires otherwise-"Chavdi" means, a local village Panchayat Office or other convenient and centrally located public place as the Collector may direct;"code" means the Goa, Daman and Diu Land Revenue Code, 1968;"revenue year" means the year commencing on the 1st day of August;"Section" means a section of the Code.

3. Land revenue where and to whom to be paid.

(1)All payments of land revenue shall be made to the Talathi of village in which the land in respect of which such revenue is due is situated:Provided that, with the sanction of the Collector, such

payment may, in special cases, be made into a Government treasury within the district to which the payment appertains: Provided further, that where the Collector declares any village in a taluka to be a centre for the payment of land revenue in respect of such villages as the Collector specifies in that behalf, payment of the Land Revenue due in the villages so specified to the Talathis of those villages shall be made at the centre so declared. (2) Any declaration made by the Collector, under sub-rule (1) shall be made known by affixing a copy thereof, in the Chavdi or some other public building in the villages concerned or in such other manner as the Collector may deem expedient.

4. Dates on which land revenue falls due and is to be paid.

(1) The land revenue payable on account of a revenue year shall fall due on the first day of that year. (2) Land Revenue payable for any revenue year shall be paid:-(i) where the total land revenue payable by a person in respect of the land held by him in a village does not exceed Rs. 20/- in one instalment only on a date not later than the fifteenth day of January falling in that revenue year; (ii) where the total land revenue payable by a person in respect of the lands held by him in a village exceeds Rs. 20/-, in two equal instalments, the first instalment shall be paid not later than the fifteenth day of January and the second instalment shall be paid not later than the fifteenth day of April falling in that revenue year: Provided that in any taluka or part thereof where these dates are found unsuitable for payment of land revenue due upon agricultural land, the Collector may with the sanction of the Government fix such other dates as he may deem expedient according to the circumstances of the season and of the villages concerned and the character of the crops generally grown therein and thereupon the land revenue due upon non-agricultural land shall also be paid in such taluka or part thereof on the date so fixed.

5. Form of notice of demand.

(1) The notice of demand to be issued under Section 124 shall be issued by the Talathi concerned in Form 1. (2) Separate notices of demand shall be issued against different defaulters.

6. Form of proclamation and written notice to be issued under Section 127.

- The proclamation and written notice to be issued under Section 127 shall be in form 2.

7. Only portion of holding to be forfeited and the manner of its disposal under Section 47.

(1) Where an arrear of land revenue is due in respect of any holding, the Collector shall forfeit only such portion of such holding as is, in his opinion, required to satisfy the demand on account of the arrears of land revenue. (2) The Collector shall take possession of a holding forfeited under sub-rule (1) and may lease it to the former occupant or to any other person for a period of one year at a time. (3) If within three years of the date on which the Collector takes possession of the holding under sub-rule (2), the former occupant thereof applies for restoration of the holding, the Collector may, after the expiry of the lease, if any, given under sub-rule (2) restore the holding to the occupant

on his paying to the Government the arrears due from him as land revenue and a penalty equal to three times the assessment. If the former occupant fails to get the holding restored to him within the period aforesaid, the holding shall be sold by the Collector in the manner provided in rules 12 to 16.

8. Remission of arrears of land revenue in certain cases.

- Where any land forfeited for default in payment of land revenue is not disposed of in accordance with the provisions of Section 47, the arrear of land revenue payable by the defaulter shall ordinarily be remitted without having recourse to further compulsory process against him.

9. Form of warrant of distraint of defaulter's movable property and mode of making such distraint.

(1) For distraining the defaulter's movable property under Section 125, the Collector shall issue a warrant of distraint in Form 3 to an officer not below the rank of Revenue Inspector (hereinafter referred to in this rule as "the distraining officer"). (2) The distraining officer may distrain the defaulter's movable property by actual seizure and shall keep it in his custody or in the custody of any of his subordinates and shall be responsible for the property seized by him: Provided that where the movable property seized is subject to speedy and natural decay or where the expenses of keeping it in custody is likely to exceed its value, the distraining officer shall cause it to be sold at once in accordance with the orders of the Collector: Provided further that, where the movable property seized consists of live-stock, agricultural implements or other articles which cannot be conveniently removed, the distraining officer may if the property is not caused to be sold under the preceding proviso, leave it at the instance of the defaulter or any other person claiming to be interested in the property, in the village or at the place where it is distrained-(i) in the charge of the defaulter or of the pound-keeper, if any; or (ii) in the charge of the person claiming to be interested in the property or of any other person who in the opinion of the distraining officer, is respectable and is willing to keep the property in his custody; on such defaulter or pound-keeper or, as the case may be, such person entering into a bond with one or more sureties in an amount not less than the value of the property and giving an undertaking to produce it before the distraining officer when called for. (3) The distraining officer shall make a list of the property distrained and shall obtain thereto the acknowledgement of the person in whose custody, the property is left, and if possible of the defaulter and of at least one person who in his opinion, is, respectable in attestation of the correctness of the list. If the property distrained includes both live-stock and other articles, a separate list of the live-stock shall be prepared and attested as aforesaid. (4) Where the live-stock or other movable property is not left in charge of the defaulter, the expenses for feeding and watering the live-stock or for the safe custody of the other movable property, shall be charged at such rate as the Collector may, by general or special order, fix. The expenses so incurred shall be first charged on the sale proceeds of the property.

10. Provisions of Civil Procedure Code to apply.

- The provisions of rules 46 to 53 of Order XXI of the First Schedule to the Code of Civil Procedure,

1908, regarding the attachment of movable property dealt with in those rules shall, as far as may be, apply to the distraint of movable property made under the Code.

11. Attachment of immovable property.

(1)The attachment of immovable property under Section 128 shall be effected by an order to be issued by the Collector in Form 4 prohibiting the defaulter from transferring or charging the property in any way and prohibiting all other persons from taking any benefit from such transfer or charge.(2)The order shall be proclaimed by the Mamlatdar at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and also on the notice board of the office of the Talathi.(3)The order shall take effect as against purchasers for value in good faith from the date when a copy thereof is affixed on the property and against all other transferees from the defaulter from the date on which such order is made.

12. Sales of forfeited, distrained or attached property.

(1)Sales of forfeited, distrained or attached property shall ordinarily be held in the town or village in which the property is situated.(2)Proclamations and written notices of such sales shall be issued-(a)in Form 5 in the case of forfeited property;(b)in Form 6 in the case of distrained property;(c)in Form 7 in the case of attached property.

13. Upset price may be fixed.

- Where any land or other property is sold by public auction, an upset price shall, if the Collector thinks fit, be placed thereon.

14. Forms of certificates of sales.

- After the sale of the immovable property is confirmed, a certificate of sale shall be issued to the purchaser,-(a)in Form 8 where the property sold is a forfeited property;(b)in Form 9 where the property sold is an attached property.

15. Delivery of movable property after its sale becomes absolute.

- Where the sale of a movable property becomes absolute under Section 140 or 141, the Officer conducting the sale shall-(a)deliver the property to the purchaser if the property was actually seized; and(b)make an order vesting such property in the purchaser in any other case.

16. Mode of putting purchaser in possession under Section 153.

(1)Where the land sold is in the possession of the defaulter or of some person on his behalf or of some person claiming under a title created by the defaulter after the attachment of the land or after

a certificate in respect thereof is granted under rule 14, the officer conducting the sale shall, on the application of the purchaser, order delivery to be made by putting such purchaser or any person whom the purchaser may appoint to receive delivery on his behalf, in possession of land, and, if need be, forcibly remove any person, who refuses to vacate the same.(2)Where such land is in the possession of a tenant or other person entitled to occupy the same, the Officer conducting the sale shall, on the application of the purchaser, order delivery to be made by affixing a copy of the certificate granted under rule 14 in some conspicuous place on the land and by proclaiming to the person in possession, by beat of drum or other customary mode, that the interest of the defaulter has been transferred to the purchaser.

17. Procedure for recovering sums recoverable as an arrear of land revenue.

(1)Where any sum due to any department of Government or a local authority or a co-operative society or any institution established under an enactment is recoverable as an arrear of land revenue from any defaulter, such department, local authority or, as the case may be, co-operative society may send a requisition in writing for recovering the sum to the Mamlatdar of the taluka in which the defaulter resides or has property.(2)Such requisition shall contain the following particulars, namely:-(a)Full name and address of the defaulter;(b)The sum to be recovered;(c)The provision of law under which the sum is recoverable as an arrear of land revenue;(d)The process by which the sum may be recovered;(e)The property against which the process may be executed.(3)On receipt of such requisition, the Mamlatdar shall dispose it of in accordance with the provision of the Code and these rules.

18. Form of warrant to be issued under Section 129.

- The warrant to be issued under Section 129 shall be in Form 10.

19. Form of security to be given under Section 131.

- The security to be given under sub-section (1) of Section 131 shall be in Form 11. Form '1'(See rule 5)Notice of Demand to a DefaulterTo..... son of resident of village, taluka..... district.You are hereby required to take notice that a sum of Rs..... is due from you on account of arrears of land revenue as per details given in the sub-joined statement, and that unless it is paid within days from the date of the service of this notice compulsory proceedings will be taken against you according to law for the recovery of the dues.

Village Survey No. and Sub-division No. Amount of arrears Date of service

1 2 3 4

Given under my hand

Date:Place: Designation of the Revenue Officer

Form '2'(See rule 6)Form of Proclamation and Written Notice of ForfeitureWhereas son of Resident of Village taluka district has made default in payment of

Rs..... on account of land revenue in respect of his holding bearing Survey No./Hissa No..... area.....assessment.....of village.....taluka..... and whereas, it is necessary to recover the said amount together with all lawful charges and expenses by forfeiture of the said holding. Notice is hereby given that on the expiry of (Here insert No. of days not being less than fifteen) days from the date of this notice,

the said holding shall be the portion of the said | forfeited to the State Government holding specified below shall be forfeited to the State Government.

(Here give description of the portion of the holding under declaration of forfeiture). Given under my hand and the seal of this office.

Date: Place: Designation of the Revenue Officer

Form '3' (See rule 9) Warrant of Dstraint of Movable Property To, (Name and office of the person charged with execution of the warrant) Whereas son of resident of village..... taluka district has made default in payment of Rs..... on account of

land revenue in respect of survey No./Hissa No. demand recoverable as an arrears of land revenue of village taluka district.

You are hereby ordered to distrain the movable property of the said and unless the total amount due is paid, to hold the same until further orders from this office. You are further ordered to return this warrant on or before the day of 19..... with an endorsement certifying the date and manner in which it has been executed or stating why it has not been executed. Given under my hand and the seal of this office.

Date: Place: Designation of the Revenue Officer

Form '4' (See rule 11) Order of Attachment of Immovable Property Whereas son of resident of taluka district had made default in payment of Rs. on account of due by him as per details given below:-(details of demand) It is ordered that the said be and is hereby prohibited and restrained, until further orders of this office, from transferring or charging the property specified in the Schedule hereto by sale, gift or otherwise and all persons be and are hereby in like manner prohibited from receiving the same by purchase, gift or otherwise:-

Schedule

(Description of Property) Issued under my hand and seal of this office this day of 19

Office of..... Collector

Form '5' [See rule 12 (2) (a)] Proclamation and Written Notice of Sale of Forfeited Property Whereas the property specified below has been forfeited for the recovery of the arrears of land revenue specified in column (5) of the table below due by son of resident of village taluka district Notice is hereby given that unless the amounts due be paid to the Talathi of before the day herein fixed for the sale, the said property shall be sold free of all encumbrances imposed on it and all grants and contracts made in respect of it, by public auction at on the day of 19..... at or about o'clock:-

Village Survey No. and Sub-Division No.		Area	Assessment	Arrears of land revenue due
1	2	3	4	5
		Hectares	Rs.	Rs.

Notes. - (1) Arrears of land revenue due on each survey number of sub-division number must be separately specified in column (5). (2) If a holding consists of more than one survey number or sub-division number it would be open to the office conducting the sale to sell one or more of such numbers as may be considered necessary to recover the arrears. Given under my hand and the seal of this office.

Dated 19. Collector of.....

Form '6'[See rule 12 (2) (b)] Proclamation and Written Notice of Sale of Distressed Movable Property Whereas the movable property specified below has been distressed for the recovery of Rs.

.....

on account arrears of land revenue on account of demand recoverable as an arrears of land revenue due by son of resident of village taluka district

Notice is hereby given that unless the amount due be paid to the Talathi of..... before the day herein fixed for the sale, the said property shall be sold by public auction

at..... on the day.....19....., at or about..... o'clock.

Any sale so made shall not be subject to confirmation.

Description of movable property Number of articles

1	2
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Given under my name and the seal of this Office.

Dated.....19 Collector of.....

Form '7'[See rule 12 (2) (c)] Proclamation and Written Notice of Sale of Attached Immovable Property Whereas the immovable property described below has been attached for the recovery of Rs..... on account of due by son of resident of taluka district

Notice is hereby given that unless the total amount aforesaid being paid before the day herein fixed for the sale, the said property shall be sold by public auction at on the day of 19, at or about o'clock. The sale extends only to the right, title and interest of the said defaulter in the said property:-Details of Property

Description Assessment, if any Note of any known encumbrances, etc.

1	2	3
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Given under my hand and the seal of this office.

Dated.....19..... Collector of.....

Collector ofForm '8'[See rule 14 (a)] Certificate of Sale of Forfeited Immovable Property This is to certify that son of resident of village taluka district has been declared the purchaser of the property specified below at a sale by public auction held on the day of 19..... and that the sale has been duly confirmed by the on the day of 19..... This sale transferred to the purchaser the property free of all encumbrances imposed on it, and all grants and contracts made in respect of it by any person other than the purchaser:-

Village	Area Assessment
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	Survey No. and Sub-Division No.			Name of recorded occupant or owner	Amount for which purchased
1	2	3	4	5	6

Given under my hand and the seal of this office.

Dated.....19..... Designation of Revenue Officer

Form '9'[See rule 14 (b)]Certificate of Sale of Attached Immovable PropertyThis is to certify that son of resident of village taluka district has been declared the purchaser of the immovable property specified below at a sale by the public auction held on the day of 19, and that the sale has been duly confirmed by the on the day of19.....This sale transferred to the purchaser the right, title and interest of son of in the said property :Details of Property

Village	Survey No. and Sub-Division No.	Area	Assessment	Name of recorded occupant or owner	Amount for which purchased
1	2	3	4	5	6

Dated.....19..... Designation of Revenue Officer

Form '10'(See Rule 18)Form of Warrant to be issued by the Collector under Section 129To,The office in charge of the Civil Jail atWhereas AB of was on the day of 19, ordered by to (here state the substance of the demand made); and whereas the said AB has neglected to comply with the said order, and it has therefore been directed under the provisions of Section 129 of the Goa, Daman and Diu Land Revenue Code, 1968 that he be imprisoned in the Civil Jail until he obeys the said order, or until he obtains his discharge under the provisions of Section 129 or 131 as the case may be, of the said code; you are hereby required to receive the said AB into jail under your charge and to carry the aforesaid order into execution according to law.Dated this day of 19,

(Signature of the Collector)

Form '11'Form of bond to be required under Section 131Whereas I, have been ordered by to (here state the nature of the demand) and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of to contest the justice of the demand, and do agree that in the event of a decree being passed against me, I will fulfil the same and will pay all amounts including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the above mentioned amount ofRupees (or will deliver up the above mentioned papers or property, as the case may be) and in the case of my making default therein, I hereby bind myself to forfeit to the Government the sum of rupees.(Signature)DatedForm of security to be subjoined to the Bond of the principalWe, hereby declare ourselves securities for the above said that he shall do and perform all that he has above undertaken to do and perform and in case of his making default herein, we hereby bind ourselves to forfeit to the Government the sum of rupees.(Signature)Dated