

Rajasthan Public Demands Recovery Rules, 1953

RAJASTHAN

India

Rajasthan Public Demands Recovery Rules, 1953

Rule RAJASTHAN-PUBLIC-DEMANDS-RECOVERY-RULES-1953 of 1953

- Published on 19 February 1953
- Commenced on 19 February 1953
- [This is the version of this document from 19 February 1953.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Public Demands Recovery Rules, 1953 Published vide Notification No. F. 7 (174) W. M/52, dated 19-2-1953, published in Rajasthan Gazette, Part 4-B, dated 28-2-1952. (Section 29) In exercise of the powers conferred by section 29 of the Rajasthan Public Demands Recovery Act, 1952 (No. V of 1952), the Government of Rajasthan is pleased to make the following rules:- Preliminary

1. Short title, extent & commencement.

(1) These rules may be called the Rajasthan Public Demands Recovery Rules, 1953. (2) They extend to the whole of Rajasthan. (3) They shall come into force on the date of their first publication in the Rajasthan Gazette.

2. Definitions.

(1) In these Rules, unless the context, requires otherwise:- (i) "Act" means the Rajasthan Public Demands Recovery Act, 1952. (ii) "appendix" means the appendix appended to these rules: (iii) "form" means form set forth in the appendix, and (iv) "section" means a section of the Act. (2) The General Clauses Act, 1897 of the Central Legislature shall apply to the interpretation of these rules, as it applies to the interpretation of a Central Act. Signature and Verification of Requisitions

3. Signatures & verification of requisitions.

(1) Every requisition made under section 3 shall be signed and verified at the foot by the person making it. (2) The verification shall state that the person signing the requisition has been satisfied by inquiry that the amount stated in the requisition is actually due. (3) The verification shall be signed by the persons making it, and shall state the date on which it is signed. Service of Notices

4. Mode of Service.

- Service of a notice issued under section 6, or under any other provision of this Act, shall be made by delivering or tendering a copy thereof, signed by the Collector and sealed with the seal of the Collector.

5. Service on defaulter or his agent.

- Whenever it is practicable, service shall be made on the defaulter in person, unless he has an agent empowered to accept service in which case service on such agent shall be sufficient.

6. Service on adult male member of family.

- Where the defaulter cannot be found, and has no agent empowered to accept service of the notice on his behalf, service may be made on any adult male member of the family of the defaulter who is residing with him. Explanation. - A servant is not a member of the family within the meaning of this rule.

7. Person served to sign acknowledgment.

- Where the serving officer delivers or tenders a copy of the notice to the defaulter personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original notice.

8. Procedure where defaulter refuses to accept service or cannot be found.

- Where the defaulter or his agent or such other person as aforesaid, refuses to sign the acknowledgment, or where the serving officer, after using all due and reasonable diligence, cannot find the defaulter, and there is no agent empowered to accept service of the notice on his behalf, nor any other person on whom service can be made, the serving officer shall-(a)affix a copy of the notice on the outer door or some other conspicuous part of the house in which the defaulter ordinarily resides or carries on business or personally works for gain, or(b)if there be land, affected by the notice, affix a copy of the notice on some conspicuous place in the office of the Collector and also on some conspicuous part of the land.and shall then return the original to the Collector by whom it was issued a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person (if any) by whom the house or land was identified and in whose presence the copy was affixed.

9. Endorsement of time & manner of service.

- The serving officer shall in all cases in which the notice has been served under rule 7, endorse or annex, or cause to be endorsed or annexed on or to the original notice a return stating the time when and the manner in which the notice was served, and the name and address of the person (if any)

identifying the person served and witnessing the delivery of the tender of the notice.

10. Examination of serving Officer.

- Where a notice is returned under rule 8, the Collector shall, if the return under that rule has not been verified by the affidavit of the serving officer, and may, if it has been so verified examine the serving officer on oath, or cause him to be so examined by another Collector or by an Assistant Collector, touching his proceedings and make such further inquiry in the matter as he thinks fit, and shall either declare that the notice has been duly served or order such service as he thinks fit.[11. Service by post. - (1) Where for any reason whatsoever, the summons is returned, unserved, the Collector, may, either in lieu of, or in addition to, the manner provided for service of summons in the foregoing rules, direct the summons to be served by registered post addressed to the defaulter or his agent empowered to accept service at the place where the defaulter or his agent ordinarily resides or carries on business or personally works for gain.(2)An acknowledgment purporting to be signed by the defaulter or the agent or an endorsement by a postal employee that the defaulter or the agent refused to take delivery may be deemed by the Collector issuing summons to be prima facie proof of service.] [Substituted by Notification No. F 7(1) FD/R/Gen/64, dated 16-1-1964, published in Rajasthan Gazette, Part IV-C, Ordinary, dated 20-2-1964.]Petitions denying liability

12. Signature and verification of petition denying liability.

(1)Every petition filed under section 8 denying liability shall be signed and verified at the foot by the defaulter or by some other person on his behalf who is proved to the satisfaction of the Collector to be acquainted with the facts of the case.(2)The verification shall be signed by the person making it and shall state the date on which it is signed.Supplemental

13. Register of certificates.

(1)Every Collector shall cause to be kept in his office a register of certificates filed in his office under the Act and shall cause particulars of all such certificates to be entered in such register.(2)Such register shall be open during office hours, for not less than two hours daily, and at such time as may be fixed by the Collector, for inspection by any person who desires to inspect the same, and a fee of one rupee shall be chargeable for every such inspection.Note:- The fee should be prepaid by Court-fee stamp affixed to the application.

14. Entry and remittance of sums received under a certificate.

- Where the whole or any portion of the amount due under a certificate has been realised, the Collector in whole office the certificate is originally filed shall cause-(a)an entry of the fact to be made upon the certificate and in the register referred in rule 13, and(b)the amount so realised to be remitted to the officer or authority sending the requisition under section 3.

15. Forms.

- The forms set forth in the appendix shall be used with such variations as circumstances may require. Appendix Forms (See Rule 15) Form No. 1 Requisition for a Certificate (See Section 3) To the Collector of the district of.....

Name of defaulter Address of defaulter Amount of public demand for which this requisition is made

1

2

3

[Period for which demand is due] [Inserted by Notification No. F 12 (28) F. (B)/61, dated 22-2-1962, published in Rajasthan Gazette, Part IV-C, Ordinary, dated 10-5-1962.]	Nature of the public demand, for which this requisition is made	[Budget head wherein recovery shall be deposited] [Inserted by Notification No. F 12 (28) F.D./61, dated 5-11-1962, published in Rajasthan Gazette, Part IV-C, Ordinary, dated 22-11-1962.]
--	---	---

1

2

3

I request you to recover the above-mentioned sum of Rs. which I am satisfied, after inquiry, is due from the said in respect of..... Verified by me on the..... day of..... 19..... A.B. Designation. Form No. 2 Certificate of Public Demand (See Section 4) Filed in the office of the Collector of (name of the district)

No. of Certificate	Name and address of authority sending requisition	Name and address of defaulter	Amount of public demand including interest, if any for which this certificate is signed and period for which such demand is due	Further particulars of the public demand for which this certificate is signed
1	2	3	4	5

I hereby certify that the above-mentioned sum of Rs. is due from the above-named. I further certify that the above-mentioned sum of Rs. is justly recoverable and that its recovery by suit is not barred by law. Dated this..... day of..... 19..... A.B. Collector Form No. 3 Notice to defaulter (See Section 6) To (name of defaulter) You are hereby informed that a certificate against you for Rs..... due from you on account of..... has this day been filed in my office under section 4 of the Rajasthan Public Demands Recovery Act, 1952. If you deny your liability to pay the said sum of Rs..... you may, within thirty days from the service of this notice, file in my office a petition denying liability, in whole or in part. If, within the said thirty days, you fail to file such a petition or if you fail to show cause, or do not show sufficient cause, why such certificate should not be executed, it will be executed, under the provisions of the said Act, unless you pay Rs..... (Rs..... on account of the demand and Rs..... on account of costs of realisation) into my office, until the said amount is so paid, you are hereby prohibited from alienating your immovable property, or any part of it, by sale, gift, mortgage or otherwise. If you in the mean time conceal, remove or dispose of any part of your

movable property, the certificate will be executed immediately. A copy of the certificate above mentioned is hereto annexed. You may remit the amount by money order, quoting the number and year of the certificate. Dated this.....day of.....19....A.B. Collector of Form No. 4 Petition denying liability (See Section 8) To The Collector of The Humble petition of (name of petitioner) of (Address) SHOWETH That a certificate No.....of..... (year) for the sum of Rs.....has been filed against your petitioner in your office under section 4 of the Rajasthan Public Demands Recovery Act, 1952. That your petitioner respectfully denies his liability to pay the said sum of Rs. (or, where the liability to pay part is admitted, denies his liability to pay more than Rs.), and this for the following reasons:- That the facts above stated are true to the best of your petitioner's knowledge and belief. Your petitioner therefore respectfully prays that the said certificate may be set aside (or modified or varied). A.B. (Petitioner) Form No. 5 Notice to Legal representative of defaulter (See Section 19) To (Name of Legal representative) You are hereby informed that a certificate against deceased, for Rs.....due from him on account of.....was filed in this office on..... 19....., under section.....of the Rajasthan Public Demands Recovery Act, 1952, and that a demand of Rs.....in respect of the said certificate proceeding is due from you as the legal representative of the said deceased. If you deny your liability to pay the said sum of Rs.....you may, within thirty days from the service of this notice file in my office a petition denying liability in whole or in part. If, within the said thirty days, you fail to file such a petition, or if you fail to show cause, or do not show sufficient cause, why such certificate should not be executed, it will be executed, under the provisions of the said Act, unless you pay Rs.....(Rs.....on account of the demand and Rs.....on account of costs of realization) into my office. Until the said amount is so paid, you are hereby prohibited from alienating your immovable property, or any part of it, by sale, gift, mortgage or otherwise. If you in the meantime conceal, remove or dispose of any part of your movable property, the certificate will be executed immediately. A copy of the certificate above-mentioned is hereto annexed. You may remit the amount by money-order, quoting the number and year of the certificate. Dated this.....day of.....19....A.B. Collector Public Distribution System (Control Order, 2001) Notifications [S.O. 211, dated 29th September, 2001, Published in R.G. Gazette Part IV-C, dated 1-10-2001, P. 265(5)] - In exercise of the powers conferred by Clause-10 of the Public Distribution System (Control) Order, 2001, the State Government hereby authorises following officers mentioned in column No.1 of the Schedule appended as below to exercise all the powers of search and seize under clause 10 of the said order for the area specified against them in column No.2, namely:-

Schedule

1. Commissioner, Addl. Commissioner and Dy. Commissioner, Foods & Civil Supplies Department, Rajasthan, Jaipur	For the whole of Rajasthan State.
2. District Supply Officer, Assistant District Supply Officer, Enforcement Officer, Enforcement Inspector posted at Head Quarter, Food and Civil Supplies Department, Rajasthan Jaipur.	For the whole of Rajasthan State.
3. All District Supply Officer, Addl. Distt. Supply Officers, Assistant Distt Supply Officer, Enforcement Officers and Enforcement Inspectors.	For their respective jurisdiction.
4. All Executive Magistrates or Revenue Officers not below the rank of Tehsildar	For their respective jurisdiction.

[S.O.212, Dated 29th September, 2001, Published in R.G. Gazette Part IV- C, dated 1-10-2001, p.265 (7)] - In exercise of the powers conferred by paragraph-1(4), 1(5), 1(7), 2(4), 4(3), 4(5), 5(vi), 5(vii), 6(2) and 6(9) of the Annexe to the Public Distribution System (Control) Order, 2001, the State Government hereby appoints the following Officers mentioned in column No. 2 of the Schedule appended hereto as designated authority, to perform the functions under the paragraphs mentioned in column No.1, namely:-

Schedule 2

Paragraph of the Annexe	Designated Authority
1	2
(1): 1(4), 1(5), 1(7)	(i) Block Development Officer for their jurisdictions. (ii) Commissioner/Executive Officer of the Municipality for their Municipal Areas.
(2): 2(4)	(i) District Supply Officer for Municipal Area of District Head Quarter. (ii) Commissioner/Executive Officer of Municipality for Municipal Area other than Municipal Area of district Head Quarter. (iii) Block Development Officer for their respective jurisdictions.
(3): 4(3), 4(5), 5(vi), 5(vii), 6(2), 6(9)	(i) District supply Officer for whole district. (ii) Sub.Divisional Magistrate other than Sub.Divisional Magistrate Posted at District Head Quarter for their respective jurisdiction.