

The Rajasthan Land Revenue (Payments, Credits, Refunds & Recovery) Rules, 1958

RAJASTHAN

India

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Rule

THE-RAJASTHAN-LAND-REVENUE-PAYMENTS-CREDITS-REFUNDS-1 of 1958

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The Rajasthan Land Revenue (Payments, Credits, Refunds & Recovery) Rules, 1958Published vide Notification No. F. 6(294) Revenue B/56, Dated 14-2-1958In exercise of the powers conferred by sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), the State Government hereby makes the following rules, namely-Being rules made by the State Government to give effect to the provisions of certain section of Chapter X of the Rajasthan Land Revenue Act, 1956.

1. Title.

- These rules may be called the Rajasthan Land Revenue (Payments. Credits. Refunds and Recovery) Rules, 1958.

2. Commencement.

- They shall come into force on the date of their publication in the Official Gazette.

3. Interpretation.

- In these rules, unless there is anything repugnant in the subject or context-(1)"the Act" means the Rajasthan Land Revenue Act, 1956;(2)"Form" means a form appended to these rules;(3)"Section" means a section of the Act.Payments

4. Installments and dates for payment of revenue or rent.

- Revenue or rent payable to Government shall be paid in such installments and on such dates may, from time to time, be fixed by the Government for the different parts of Rajasthan: Provided that until altered, the existing installments and the existing dates shall continue in force.

5. Revenue or rent, where payable.

- Payments of revenue or rent will ordinarily be made at the office of the Tehsildar of the Tehsil within the limits of which the estate or holding on account of which the payment is made situated, but it will be open to the Collector to sanction the payment of Revenue or rent in the treasury' at the headquarters of the district, or to sanction the payment of revenue or rent which is payable partly at one and partly at another Tehsildar's office in his district, being made wholly at any one such office. Whenever the Collector accords any such sanction, the advice of such credit having been received shall be given by the Collector or the Tehsildar of the Sub-Treasury where the whole amount is paid as the case may be, to the Tehsils in which part payment was due, so that recovery' statements of the latter may be completed.

6. Revenue of estate cut off by river, where payable, pending transfer of estate or village from one district to another.

(1)Where owing to a change in the deep stream of a river, part of an estate is cut off from one district and becomes included in the boundaries of another district, the whole of the revenue of the estate will continue to be paid, in the district in which it has previously been paid, until the whole estate, or, in the case of an estate consisting of two or more villages with land revenue separately assessed or distributed on each village, until the whole village comprising the area cut off, is transferred to the other district under the orders of Government.(2)No estate will be so transferred unless by the deep stream rule the village site is removed from one district to another.

7. Payment of land revenue at headquarters of district other than that in which estate assessed.

- Land Revenue may, with the permission of the Commissioner or Commissioners concerned, be paid by estate-holders into the treasury at the headquarters of a district other than that in which the estate assessed to land revenue is situated. The estate holder in such cases will be required to specify the estate land for which the land revenue is paid.

8. Payment not to be made to peons.

- Payments may not be made to peons entrusted with the service of any writ of demand or citation to appear.

9. Revenue how to be paid.

(1) Revenue must be paid either in cash or currency notes at the office at which payment is to be made, or remitted to that office by money order, or to the extent allowed by paragraph 80 of the General Financial and Account Rules by a bank draft. (2) Valuable securities or stamps of any description will not be accepted in payment of Revenue, and currency notes sent through the post will be refused.

10. Conditions for acceptance of cheques.

- At places where the treasury business is conducted by the State Bank of India, or any other Scheduled Bank, cheques on such banks will be accepted in payment of Government dues subject to the following rules- (1) Cheques must be crossed. (2) A receipt will be granted in the form given below in respect of each cheque on its presentation: but in case the payer also wishes to have a final receipt, he should give instructions to that effect at the time of presentation, and the final receipt will be sent by post to his address after the cheque has been cashed. Received cheque No.....for.....rupees.....drawn onbank on account of.....as per challan No. (3) If a cheque is dishonoured by the bank, the fact be reported at once to the payer with a demand for payment in cash. The g will not be liable for any loss or damage which may possibly occur as a result of delay in intimating that a cheque has been dishonoured. (4) Cheques in payment of Government dues which have to be paid into the treasury by a certain date at the latest will not be accepted if presented later than the day previous to such date. (5) Demand drafts will also be accepted for payment of Government dues.

11. Rules relating to treasuries and sub-treasuries to be observed.

(1) Revenue paid at the office of the Tehsildar must be paid in accordance with the rules relating to sub-treasuries. (2) Revenue paid at a head-quarters treasury must be in accordance with the rules relating to district treasuries. [12. Revenue or rent to be paid through patwaries. - Subject to the provisions of rule 5, payments of revenue or rent shall be made to the Patwari at the headquarter of his circle or such other place in his circle as may be specified by the Collector of the district] [Substituted by Notification No. F. 6(80) Revenue/B/Gr.1/63, Dated 27-11-1963; published in Rajasthan Gazette Part 4-C, Dated 8-11-63].

13. Collection from co-sharers.

- Collections may be made according to the sharers of the co-sharers, or from groups of co-sharers, but this will not affect the joint liability of all the co- sharers for the whole of the revenue payable in estate. B-Credits Appropriation Of Payments

14. How part payment to be applied.

- Where arrears are outstanding on account of two or more years, and no express intimation is given by a person making a part payment that the payment is to be applied to the discharge of the arrears of some particular year, the receipts shall be credited first against the demand on account of the first year for which arrears are outstanding, and the balance (if any) against the demand on account of the next succeeding year, and so on (Cf. section 132 of the Rajasthan Tenancy Act, 1955).

15. Circumstances in which payment is to be credited first to demand outstanding on account of cesses.

- Where arrears of revenue or rent and arrears of authorised cesses of any description are both outstanding and no express intimation is given by a person making a part payment that the payment is to be applied to the discharge of the arrears of revenue or rent or the authorised cesses, the receipts shall be credited first to the demand outstanding on account of such cesses.

16. Excess collection to be refunded under Collector's order.

(1) Any sum collected in excess of the proper demand may be refunded under the order of the Collector. (2) Where the refund is so sought, of the items credited to different heads of account, a separate application must be made in respect of each item.

17. Observance of Rules in Chapter 14 of General Financial and Accounts Rules.

- In making such refunds, the Collector shall observe the rules contained in Chapter 14 of the General Financial and Accounts Rules.

18. Form of writs, citations, warrants and proclamations.

- Writs, citations, warrants and proclamations shall be in the forms appended. They shall bear the date of issue, and shall be signed by the issuing officer and sealed with his official seal.

19. Responsibility for correctness of entries of demand.

- The Tehsil Revenue Accountant shall be responsible for the correctness of the entries of the demand in all processes in which such demand is required to be entered and shall sign every such process in token of its correctness in that respect.

20. Certification of statement of account.

- At the first issue of process for the recovery of an arrear, the statement of account prescribed by

section 227 shall be drawn up by the Tehsil Revenue Accountant and signed by him and shall be certified by the Tehsildar. But if the first process issued is a writ or citation, the certificate of the Tehsildar shall be recorded on the counterfoil.

21. Writs of attachment or sale against one or several defaulters but citation to appear against individuals.

- A single writs of demand, or a single writ for attachment and sale of movable property, may be issued against any one, or against some or all of a number of defaulters who are jointly responsible for the payment of the arrears, but a citation to appear must be issued separately in respect, of each defaulter required to attend.

22. Process to issue in respect of whole arrears.

- Subject to the provisions of the Act, process shall ordinarily issue in respect of the arrears due from the defaulter, whether such arrears are due in respect of one more estate. B-Writs Of Demands And Citations

23. Process u/s 229 to be issued by Tehsildar, S.D.O. or Collector.

(1) Process under section 229 (writs of demand or citation to appear) shall be issued by the Tehsildar of the Tehsil in which the arrears fell due, or by order of the Collector or the Sub-division Officer of the sub-division. (2) If the Tehsildar issued such process against a defaulter residing in another Tehsil within the district, he may do so either direct or through the Tehsildar or such other Tehsil.

24. Writs of demand or citation should ordinarily issue before other process is resorted to.

- Process under section 229 is not required by law to precede process under section 231 (attachment of land) but, ordinarily a writ in Form I or a citation to appear in Form II, should issue before any other process is resorted to.

25. Fee for writs of demand or citation to appear.

- The fee charged for the issue of a writ or citation to appear shall be Re. 1/-. This fee shall be added to the arrears for which the writ, of citation is issued, and shall be included in the amount specified therein.

26. Process servers for serving writs of demand and citations.

- Writs of demand and citations shall be served by fixed establishment of process-servers attached to the Tehsil, or by additional process-servers. Subject to the condition of funds being available to meet the cost, additional process servers may be temporarily entertained by the Collector.

27. Only one writs of demand to issue in respect of some arrear.

- Not more than one writ shall be issued in respect of the same arrear to any defaulter, except under the express order of the Collector. If the arrears are not paid within fifteen days from the date of service, other measures should promptly be taken.

28. Mode of service of writs of demand or citations to appear.

(1) Service of the writ or citations shall, if possible, be made on the defaulter personally, but if service cannot be made on the defaulter, it may be made on his agent. If the defaulter or his agent cannot be found, or if there is more than one defaulter against whom a writ, or citation has issued, service on the Lambardar of the estate shall be held to be good, or failing that a copy of the writ or citation may be fixed at a prominent place on or adjacent to the defaulter's residence. (2) Personal service shall be made by delivery to the defaulter or his agent of the second portion of the writ or citation. The other portion shall be brought back to the Tehsil by the process-server and attached to the counter-foil. (3) When returning this portion, the process-server shall report to the official whom the Tehsildar may appoint for the purpose the date of service, the manner in which the writ or citation was served, and if it was not served on the defaulter personally, the reason why it was so served. The official receiving the report shall note the particulars on the process, if this has not been done already. (4) With the sanction of the Collector, writs of demand may also be served by registered post. In such cases the post office receipt shall be attached to counter foil. C-Attachment and Sale of Movable Property

29. Process under section 230 to be issued by Collector or S.D.O.

(1) Process under section 230 (attachment and sale of movable property) may be issued only by, or under the orders of, the Collector or the Sub-Divisional Officer of the sub-division. (2) The warrant of attachment of movable property shall be in Form III and that for sale in FORM IV. and the proclamation of sale shall be in Form IV A. No sale shall, without the consent of the defaulter in writing, take place until after the expiration of at least fifteen days calculated from the date on which the proclamation has been served.

30. Quark Amin for attachment and sale of movable property.

- Every attachment and sale of movable property in realization of revenue or rent under section 230 or of arrears recoverable as revenue or rent, shall unless the officer ordering the attachment otherwise directs, be made by a Quark Amin. The fee levied for a warrant of attachment (FORM III) shall be rupee one.

31. Entering of dwelling house for making attachment.

- When it is necessary to enter a dwelling-house for the purpose of making an attachment, the provisions of section 62 of the Code of Civil Procedure, 1908, shall be observed.

32. Particulars to be given in warrant for sale of movable property.

- Every warrant for the sale of movable property shall specify the amount for the recovery of which sale is ordered, and shall require the property to be sold in default of such amount after the lapse of such period as may be specified.

33. Costs of sale of movable property.

- The costs of every sale of movable property shall be met by levying a sum of six Naye Paise in the rupee (excluding fractions of a rupee), calculated on the amount of the arrear including the charge on account of the warrant of attachment, which may be realised by the sale. Any sum in excess of such arrear realised by the sale shall be paid to the defaulter, and shall be excluded from the amount on which costs of the sale are calculated.

34. Fees chargeable for meeting cost of deputation of officer to conduct sale of movable property.

- When the sale officer goes to any place to conduct a sale and no sale takes place, the fees chargeable to meet the costs of the deputation shall be according to the following scale-

	Rs.	Naya Paisa
When the amount for recovery does not exceed Rs. 50/-	1	50
When such amount exceeds Rs. 50/- but does not exceed Rs. 1000/-	3	0
When such amount exceeds Rs. 1000/-	6	0

35. Fees leviable under rule 34 to be paid into Treasury.

- The fees leviable under rule 34 above shall be paid into the treasury along with the sale proceeds of the property attached. D-Rules For The Maintenance and Custody of Livestock and Other Movable Property Attached under Section 230 of The Act

36. Custody of live-stock or other movable property attached.

- Where live-stock or other movable property has been attached, the attaching officer shall-(a)if the defaulter furnishes such security as appears to the officer to be sufficient, order that it be left in the custody of the defaulter, or(b)if the defaulter does not furnish such security and some respectable person is willing to undertake the custody and to produce the live-stock or other movable property when required, order that it shall be placed in the custody of such person.

37. Description of property attached to be given.

- The attaching officer shall enter a brief description of the property attached-(a)in the order referred to in rule 36(b),(b)in the report of attachment to the Court.

38. Removal of live-stock to cattle-pound and appointment of Care-takers.

- Where arrangements for the custody of the property cannot be made under rule 36 the attaching officer shall-(a)if it is live-stock remove it to the nearest pound,(b)if it is other movable property, appoint one or more care- takers.

39. Particulars to be entered by Pound-keeper.

- Where live-stock is removed to a pound-keeper shall enter a register-](a) the number and description of the stock.(b)the day and hour when the stock was committed to his custody, and(c)the name of the attaching officer who so committed it. and shall give the attaching officer a copy of the entry.

40. Pound keeper to take Charge of animals and feed them.

- The pound keeper shall take charge of all animals committed to his charge and shall duly feed and water them.

41. Rent to be charged for use of cattle pound.

(1)For every animal committed to the custody of the pound-keeper there shall be leviable a rent for the use of the pound for each period fifteen days or part thereof during which the custody continues, in accordance with the scale prescribed under section 12 of the Cattle Trespass Act (No. 1 of 1871 of the Central-Legislature).(2)The sums so levied shall be sent to the treasury to be credited to the funds to the local authority by which the pound is maintained or made over to the pound keeper concerned.(3)All such sums shall be applied in the same manner as fines levied under section 12 of the Cattle Trespass Act, 1871.(4)The pound keeper shall also be paid for feeding and watering any animal committed to his custody by proper authority, at the rate for the time being fixed under section 5 of the Cattle Trespass Act, 1871, for feeding and watering impounded cattle.

42. Release of animal committed to custody of pound keeper.

- An Animal committed to the custody of the pound-keeper shall not be released otherwise than upon the order in writing of officer issuing the order or attachment, addressed to the pounds-keeper. The officer directing release of the animal shall see that all charges leviable under rule 41 are paid to the pound-keeper.

43. Cost of preparing live-stock for sale etc. and cost of feeding.

- The cost of preparing live stock for sale, or of conveying it to the place at which it is to be kept or sold, and the cost of feeding the live-stock while in the custody of the pound-keeper, shall be payable out of the sale proceeds.

44. Amount to be paid to Care taker appointed under rule 38.

- A care taker appointed under clause (b) of rule 38 shall, if necessary, be paid a daily sum of not less than 25 Naye Paise or more than 58 Naye Paise but the officer, issuing the order of attachment may, by order in writing, allow a higher rate for reasons to be expressly mentioned.

45. Charges payable in connection with attachment and sale to be deposited before release of live-stock or other movable property.

- When the live-stock or other movable property is released from attachment or sold, the charges payable in connection with the attachment and sale shall be ascertained and recorded by the attaching officer or the officer holding the sale, and shall, so far as possible, be discharged by him from the amount, if any paid in by the defaulter before the release of the live-stock or other movable property, or from the proceeds of the sale.

46. Costs of feeding of live-stock to be recovered as arrears of land revenue from defaulter.

- If- (a) the live-stock is adjudged to belong to a third person who has objected to the attachment, or(b)the proceeds of the sale are found to be insufficient, or(c)for any other reason payment of the charges cannot be made, the attaching officer or the officer holding the sale shall report the matter to the officer issuing the order of attachment or sale, who shall direct the realisation from the defaulter as arrears of land revenue of all costs still due including that of feeding the live-stock along with the principal dues, if any, still left to be realised.E-Attachment and Sale of Land

47. Issue of process for attachment and sale of land.

- Process under this head may be issued only by the Collector, with the previous sanction of the Board where necessary under the Act.

48. Proclamation u/s 233.

- When any land is attached under section 231, the proclamation issued under section 233 shall be in form V and be affixed in a conspicuous place in the village in which the estate is situated, and shall be notified by beat of drum in the manner indicated in section 61.

49. Mutation on transfer u/s 234 or sale of land u/s 235.

- When a transfer is made under section 234, or land is sold under section 235, the Collector shall issue orders for the necessary mutation of names to be made in the registers. No fee shall be levied in respect of any such mutation.

50. Collector should satisfy himself about probability of arrears being recovered from process u/s 234.

- Before having recourse to the provision of section 234, the Collector should satisfy himself, by reference to the village notes and other sources of information available to him: that there is a reasonable probability of the arrears being recovered by this process within the period of 10 years allowed by the Act. If he is not so satisfied, the transfer under section 234 shall not be made.

51. Proposal u/s 234 to be made only after payment of arrears by proposed transferee.

(1) Proposals for transfer under section 234 shall not be made by the Collector until the arrears due have been paid by the proposed transferee. If the proposal to transfer is not sanctioned, the amount so paid shall be refunded by order of the Collector. (2) The proclamation of transfer shall be in Form No. VI.

52. Acceptance of arrears from defaulter after submission of proposal to transfer but before sanction.

- If the defaulter offers to pay the arrears after the proposal to transfer has been submitted to the Board and before sanction, has been received, the Collector must accept payment, and if the whole of the arrears due are paid, he shall report to the Board to cancel the proposal to transfer.

53. Period of transfer.

(1) Subject to the provisions of section 234, the period of the transfer shall be such as will enable the transfer to recover from the profit of the share or patti transferred, after reasonable allowance has been made for short, collections and the cost of management (if any), the amount paid on account of the arrear with fair interest thereon. (2) The co-sharer or co-sharers to whom the share or patti is transferred under section 234, shall be made to execute an Indenture in FORM VII and execute a security bond in Form VIII. G-Sale of Immovable Property

54. When sale of defaulter's specific area, patti or estate to be made.

(1) Recourse can only be had to sale under section 235 when the processes specified in the previous sections of that Act would be insufficient for the recovery of the arrear. (2) In proposing sale under

section 235 the Collector shall state what the annual assets and the annual demand amount to, and shall report if the arrears are due to the severity of the original assessment or the property having deteriorated, and, if the latter, whether the deterioration is due to bad management or to causes beyond the estate-holder's control.(3)Proposals for sale of immovable property under section 237 can only be made when the land on which the arrear accrued has been sold and the arrear has not been fully liquidated by the proceeds of the sale.(4)The proclamation of sale required to be issued under section 238 shall be in form No. IV-A and the warrant of sale thereof shall be in Form No. IV sale shall, without the consent in writing of the defaulter, take place until after the expiration of at least thirty days calculated from the date on which the copy of the proclamation has been served.

55. Bid by Collector.

- If at any auction no bid is made up to the amount of the arrear for which the sale is ordered, the Collector may bid up to the total amount of such arrear and all other arrears incurred up to the date of the auction:Provided that whenever there is reason for believing that the defaulter is possessed of other property from which the balance may be recovered, the Collector may buy in the property for a sum less than the full arrear and may then take such steps as are necessary for the recovery of the balance.

56. Rates of charges for sale of land.

- When the immovable property put up for sale consists of land, a charge shall be levied on account of the costs of every sale upon such a mount not exceeding the total sum due for recovery as may be realised by the sale, at the following rates-(i)Where such amount does not exceed 200 rupees at the rate of one rupee for every 100 rupees or portion of 100 rupees.(ii)Where such amount exceeds 200 rupees, but does not exceed 1,000 rupees, 2 rupees for the first 200 rupees and at the rate of 50 Naye paise for every 100 rupees or portion of 100 rupees in excess of 200 rupees.(iii)Where such amount exceeds 1,000 rupees, 6 rupees, for the first 1,000 rupees, and at the rate of one rupee for every 500 rupees in excess of [1,000] [Figure '1000' substituted in place of figure '100' vide Corrigendum notification No. F, 6(294) Revenue B/56, dated 16-8-1958 published in Rajasthan Gazettee dated 4-9-58, part IV-C. rupees.] rupees.

57. Scale of charges of meeting cost of deputation of officer for conducting sale of immovable property.

- When the sale officer goes to any place to conduct a sale and no sale takes place, a charge shall be levied to meet the costs of his deputation according to the following scale-F-Transfer of Share or Patti of Estate

	Rs.	Naya Paisa
When the amount for recovery does not exceed Rs. 100/-	1	50
When such amount exceeds Rs. 100/-	3	0
but does not exceed Rs. 1000/-		

When such amount exceeds Rs. 1000/-

6 0

Note. - The words Cost of as previously appearing before the word meeting in the marginal note have been removed and replaced after the same vide Corrigendum Notification No. F. 6(294) Revenue B/56, dated 16-8-58 published in Rajasthan Gazette Part IV-C, dated 4-9-58. Process Fee

58. Form of Register of processes.

- A register shall be maintained in Form No. IX for each Tehsil and for description of each process employed during the agricultural year showing (1) the serial number of the process (2) the name of the estate and (3) the name of the persons against whom, or against whose property, the process was issued. Note. - The word 'each' as previously appearing before the word 'described' has been removed and replaced after the same vide corrigendum Notification No. F. 6(294) Revenue B/56, dated 16-8-58 published in Rajasthan Gazette Part IV-C, dated 4-9-58.

59. Annual statement of processes issued.

- A yearly statement shall be prepared from this register for submission with the annual administration report showing the number of processes of each description to which recourse has been had during the year and the total demand and receipts.

60. Entry of demand and receipts on account of processes in Khatauni.

- The demand and receipt on account of processes shall be entered in the Khatauni.

61. Certification by Treasury Officer of receipts in treasury on account of process fees.

- The amount of receipts in the treasury on account of process fees levied under these rules shall be certified by the treasury officer. Any difference between the treasury receipts and the departmental account must be explained.

62. Monthly pay abstracts of extra process servers.

- Where extra process servers are entertained, a pay abstract shall be forwarded monthly by the Tehsildar to the Collector showing for each process server, the number of days for which he was employed, the amount paid to him, the date of payment, and the signature of the process server.

63. Form of application for recovery of moneys referred to in sections 256 and 257.

- An application to the Collector for the recovery of any sum of money referred to in section 257 of the Act shall be form X. Note. - Present rule 63 and Form X have been newly added vide Revenue 'B'

Department Notification No. F. 6(43) Revenue B/59, dated February 16, 1961, published in Rajasthan Gazette, Part IV-C, dated 30-3-1961. Form No. 1(Rule 24) Writ of Demand(See Section 229, Rajasthan Land Revenue Act, 1956)

1. Serial No.

2. Estate Serial No.

3. Village

4. Tehsil To

5. Name of defaulter

6. Amount of arrear and
installment

Whereas arrears amounting to Rs.are due by you
on account of theinstallment of
estate.....village.....Tehsil.....you are hereby
required to pay the same into the Tehsil at.....within
fifteen days from the date of the service of this notice.

7 Date of issue

8. Name of Process-server

9. Date of service

10. Date of report of
service

11. Remarks

Given under my hand and the seal of the Court, this.....
day of.....19.

I certify that this
statement of
account is
correct.

Signature of Tehsil

Signature of
Tehsildar

Revenue Accountant

NOTE- The report
required by rule 29(3)
should be entered on the
reverse of the writ.

Seal

.....Signature of Tehsildar Form No. II(Rule 24) Citation of Demand(See Section 229,
Rajasthan Land Revenue Act, 1956)

1. Serial No.

2. Estate Serial No.

3. Village

4. Tehsil To

5. Name of defaulter

6. Amount of arrear

Whereas arrears amounting to Rs.

and installment

.....are due by you on account of the
.....installment of
estate.....village.....Tehsil.....you are
herbu required to appear in this Court
in person on..... day of
19.....If the entire arrears plus the
Talana for this citation are not sooner
paid.

7 Date of issue

8. Name of
Process-server

9. Date of service

10. Date of report of
service

11. Remarks

I certify that
this
statement of
account is
correct.

Take notice that if you
fail to attend at the
time and
place mentioned, the
issue of a warrant for
the attachment and
sale of property may
follow.

Signature of Tehsil

Signature of
Tehsildar

Revenue Accountant

Given under my hand
and the seal of the
Court, this.....
day of.....19.

NOTE- The report
required by rule
29(3) should be
entered on the
reverse of the writ.

Seal

.....Signature of Tehsildar Form No. III (Rule 29) Warrant of attachment of movable
property (See section 230, Act 15 of 1956) To (Name and designation of the person who is to execute
the warrant.) Whereas of.....has defaulted in the sum of Rs.....due on account of
land revenue or rent, you are hereby directed to attach the movable property of the said and unless
the said.....shall pay to you the said sum of Rs.....together with Rs.....the costs of this
attachment to hold the same until further orders from the Court. You are further directed 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 why it has not been executed. Given under my hand and the seal of the Court

this.....day of..... 19.....Collector or Sub-divisional OfficerSealForm No. IV(Rules 29 & 54)Warrant of Sale of Property(See Section 230, Act 15 of 1956)To,(Name and designation of the person who is to conduct the sale)These are to command you to sell by auction after giving.....days previous notice by affixing the same in the Court-house and after making due proclamation of the, attached proclamation of sale the movable property/land or other immovable property attached by this Court on the day of 19 for revenue or rent due by (here enter the name, father's name and caste of the defaulter) on account of the years (here enter the name of the estate, village, Tehsil and district in which the arrears are due).You are further commanded to return this warrant on or before the day of.....19.....with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.Given under my hand and the seal of the Court thisCollector or Sub-Divisional Officer.SealForm No. IV-A(See Rules 29 and 54)Proclamation of SaleCourt of the Collector...../Sub-Divisional Officer.....Notice is hereby given that under section 230/235/237 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and order has been passed by this Court for the sale of the attached property mentioned in the annexed schedule for the recovery of arrears of revenue/rent and the costs of attachment and costs of sale specified in the said schedule due from.....S/o.....resident.....of.....defaulter.....The.....sale will be by public auction and the property will be put up for sale in the lots specified in the schedule.In the absence of any order of postponement the sale will be held by.....(name of Officer to be indicated), at at.....O'clock (Place of sale to be indicated) on the...day of.....the..... (month).....19.....In the event, however of the arrears specified in the schedule and of the costs of the sale being tendered or paid before the knocking down of any lot, the sale will be stopped.At the sale the public generally are invited to bid, either personally or by duly authorised agent. No bid by, or on behalf of, the defaulter above mentioned however, will be accepted, nor will any sale to him be valid without the express permission of the court previously given. The following are the further conditions of sale-

- 1. The particulars specified in the schedule below have been stated to the best of the information of the Court but the Court will not be answerable for any error, mis-statement or omission in this proclamation.**
- 2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put the auction.**
- 3. The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Court, or the officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.**

4. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it subject always to the provisions of Rule 69 of order 21 of Code of Civil Procedure.

5. In the case of movable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the sale directs, and in default of payment, the property shall forth with be again put up and re-sold.

6. (a) In the case of land and other immovable property, the person declared to the purchaser shall pay immediately after such declaration a deposit of 25 per cent on the amount of his purchase money to the officer conducting the sale, and in default of such deposit the property shall forthwith be put up again and re-sold and such person shall be liable for the expenses attending the first sale and any deficiency of price which may occur on the re-sale which may be recovered from him by the Collector as if the same were on arrear of revenue.

(b)The full amount of the purchase money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.(c)In default of payment of the balance of purchase-money within the period allowed, the property shall be re-sold after the issue of a fresh notification of sale: the deposit, after defraying the expenses of the sale, may, if the Court thinks fit, be forfeited to Government and the defaulting purchaser shall forfeit and claim to the property or to any part of the sum for which it may be subsequently sold.(d)If the proceeds of the sale which is eventually made are less than the price bid by such defaulting purchaser the difference shall be recoverable from him as if it were an arrear of revenue.

7. (a) Land shall be sold free of all encumbrances and all contracts previously made by any person other than the purchaser in respect of such land shall become voidable at the option of the purchaser at the auction sale.

(b)Nothing contained in para (1) above applies to land held under 'bona fide' leases, temporary or perpetual, for the erection of dwelling houses or manufactories, or for gardens, tanks, canals, places of worship or cremation or burial grounds, such land continuing to be used for the purpose specified in such leases.(c)Notwithstanding anything contained in para (a) above, the State Government may, at any time before the sale has been made, direct that it be made subject to such interest or rights in land created by the holder thereof or any person though whom he claims, as it thinks fit.

Schedule

Amount to be recovered

	Rs.	nP.
(i) Amount of revenue or rent due
(ii) Cost of the attachment
(iii) Cost of the sale, or if the property is not put to auction, of deputation of the Amin.
Total.....		

Property to be sold

No. of lots	Description of property to be sold	Revenue assessed in the case of sale u/s. 235 or 237, Rajasthan Act, 15 of 1956	Particulars of interest or rights in land created by the holder thereof or any person through whom he claims sub-section (3) of section 236, Rajasthan Act 15 of 1956.	Claims, if any, which have been put forward to the property and any other known particulars of the nature and value.
1	2	3	4	5

Given under
my hand and
the seal of the
Court this day
of 19....

Seal Collector/Sub-Divisional
Officer

Form No. V(Rule 49) Court of the Collector of...../Sub-Divisional Officer
of.....Proclamation of attachment under section 231 and 233 of Act No. 15 of 1956.(See Ride
29)Whereas a sum of Rs.....as arrear of revenue/rent are due from..... (1), who has
become a defaulter.And whereas the aforesaid arrear is due in respect of.....(2).There fore the
said area/Patti/estate is hereby attached under section 231 of the Rajasthan Land Revenue Act. 1956
(Rajasthan Act 15 of 1956) and until further order of this Court the said is hereby prohibited and
restrained from transferring or charging the said area/patti/estate by sale, gift or otherwise, and all
persons be mid are hereby prohibited from receiving the same by purchase, gift or otherwise and
notice is hereby also given that on payment on account of rent or any other asset of the land after the
date of this proclamation or in anticipation of due date, to any person other than the Collector shall
relieve the person liable to pay from liability for payment to the Collector.Issued this.....day
of.....under my hand and the seal of the Court.Collector of.....Sub-Divisional Officer

of.....(1)Here insert the name and address of the defaulter.(2)Here insert the specified area, description of the share, patti or estate in respect of which the arrear is due. Form No. VI (See rule 61) Proclamation in cases of transfer under section 234 of Act 15 of 1956 Whereas there enter full description of the share (or shares) transferred with the name (or names) of the estate-holders) has been transferred under section 234, Act 15 of 1956 for a term of years (from the first day of July 195) to co-sharer (or co-sharers as the case may be) of the estate in question, notice of the fact of transfer is hereby given to all when it may concern. Such transfer shall not affect the joint and several liability of the co-sharers of the estate in question. Dated this.....day of.....1955. SEAL.....(Collector) Form No. VII (See Rule 53) Form of Lease This indenture made the.....day of..... between the Governor of the State of Rajasthan.....(hereinafter called the lessor) of the one part and A, B. son of C, D caste..... resident of E (hereinafter called the lessee) of the other part. Whereas a sum of..... is due from..... as..... arrear..... of revenue in respect of the share or patti of..... estate..... village..... under Tehsil..... District..... And whereas the lessee has applied for the transfer share/patti..... estate..... and the lessor has agreed to demise to him the said property for the term and on the condition hereinafter appearing, the same having been sanctioned by order No dated..... of the..... Board..... of Revenue. Now this Indenture witness that, in consideration of the sum of Rs..... paid..... by..... the..... lessee to the lessor on or before the execution of these presents (the receipt whereof the lessor hereby acknowledges), and of the rent hereafter reserved, and of the covenant by the lessee hereinafter contained, the lessor, under the provisions of section 243 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) hereby demises unto the lessee all that said share/patti estate village situate in Tehsil District..... To hold the same for the term of years from the day of..... yielding and paying therefor during the said term the yearly rent of Rs the said yearly rent being payable at the office of the Tehsildar, or at such other place as the lessor may from time to time appoint, in the following installment that is to say..... in addition to all cesses and rates now or hereafter legally demandable in respect of the said property. And the lessee do hereby covenant with the lessor that he the lessee, during the said term, will pay the said rent on the days and in the manner aforesaid, in addition to all such cesses and rates as aforesaid. And will not without the written sanction of the lessor, under let or otherwise transfer his right and interest under these presents in the said property or any part thereof. And will, at the expiration or sooner determination of the said term, yield up the said property to the lessor or his agent: And will not without the written sanction of the lessor, institute any proceeding for the ejectment of tenants holding or occupying land within the said property for any cause other than the non-payment of arrears of rent decreed against any such tenants: And will not without the written sanction of the lessor, institute any proceedings for the enhancement of the rent of any such tenants. And will in order to secure the due payment of the rent hereby reserved within days from the execution of these presents (make and execute a valid mortgage in favour of the lessor of all that (here describe property [mortgaged] [or 'furnish good and sufficient security to the satisfaction of the lessor' as the case may be]): And will in the event of the (said) security (created by the said [mortgages] [Omit if no mortgage, and insert 'said' before security.]) becoming insufficient, within one month from the date of receiving notice thereof from the lessor or his agent, make and execute a further valid mortgage of such property as shall, in the opinion of the lessor, be sufficient security for the due payment of the rent hereby reserved: Provided always that if and whenever any part of the said rent shall be in arrear for days, whether lawfully

demand or not or there shall be a breach of any of the covenants by the lessee herein contained the lessor may re-enter upon the said property, or any part of it in the name to the whole, and immediately thereupon the said term shall absolutely determine; And the lessor doth hereby covenant with the lessee that the lessee performing and observing all the covenants by the lessee herein contained may quietly hold and enjoy the said property during the said term provided the lessee so long live, without any interruption by the lessor or any person claiming through him: Provided always that, in the event of the lessee dying before the expiry of the said term of years and leaving an heir, the said heir may, with the express permission of the Collector of the..... District and not and not otherwise hold the said property for the remainder of the said term, subject to all the covenants and conditions hereinbefore mentioned. In witness whereof the parties hereto have set. their hand the day and year" above written. Signed by the lessee Signed for and on behalf of the lessor

by..... Date..... Designation... Date..... Witness (1)..... (2)..... (1).....

No. VIII (See Rule 53) Form of Security Bond Whereas by a lease, dated the day of and made between the Governor of the state of Rajasthan of the one part, and son of..... resident of..... (here-in-after called the lessee) of the other part..... share/patti estate village situate in Tehsil

..... District was demised by the said Governor to the said lessee for the term and on the condition therein stated, and it was one of the conditions of the lease that the lessee should, within days of the execution thereof, furnish good and sufficient security for the performance of the covenant for the payment of the yearly rent of Rs..... reserved thereby: And whereas, at the request of the lessee, have agreed to furnish such security, now, I..... son..... of..... resident of..... do hereby for myself, my heirs, executors, administrators and assigns, covenant with the Governor, that in case the said lessee or his heir shall fail to pay the whole or any part of the said yearly rent at the times and in manner provided in the said lease, then I shall pay to Collector of..... District the said yearly rent or so much thereof as shall remain unpaid together with interest thereon at the rate of Rs..... per centum per annum from the date fixed by the lease for payment till realisation. And as security for the due performance of the covenant on my behalf hereinbefore contained, I do hereby assign by way of mortgage to the said Governor, his successors in office and assigns all my right, title and interest in (description of the property) and more particularly described in the schedule hereto of which I am in possession and of which I am the sole owner. And it is hereby agreed and declared that in case and whenever I shall fail to perform the covenant on my behalf hereinbefore contained, the said Governor shall be entitled to enforce against the property hereby mortgaged all or any of the remedies of the holder of a simple mortgage, as provided by the Transfer of Property Act, 1882, for the purpose of recovering the amount due from me under these presents, in addition to any remedy provided by any other enactment for the time being in force.

Schedule 2

In witness whereof I have set my hand hereunto the day and year above written. In the presence of Signed by Witness (1)..... (2)..... Signed by..... Date..... Form No. IX (See Rule 58) Register of (here enter the description of the process of which the register is maintained during the agricultural Year..... 195..... 195..... Tehsil..... District.....

S. No.

Remarks

Name of estate		Name of person against whom or whose property the process was issued.	Process fees (if any)			
Due	Realised	Balance				
1	2	3	4	5	6	7

Form No. X(See rule 63)Form of application for recovery of moneys referred to in section 256 or 257 of Rajasthan Act 15 of 1956.FromThe.....(Official designation of officer or authority making the application)ToThe Collector,.....Subject:-Application for recovery of money referred to in section 256/257 of the Rajasthan Land Revenue Act, 1956.Sir,This is an application for recovery of money referred to in section 256/257 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956).

2. The required particulars are as under:-

(a) Name of officer or authority to whom the sum is due and payable.

(b) Name and description of the person from whom the sum is due. A. B. S/o C.D. resident of E.F. (Full particulars sufficient to trace the defaulter should be given).

(c) Sum due and the nature thereof. Rs /-(Rupees.....in words) on account of.....(Full particulars of dues such as nature, amount, amount of interest etc. should be given. For particulars see clauses (a) to (e) of section 256 and section 257 of Act 15 of 1956).

(d) The period, if any, from which it is due and the date on which it first became payable.

(e) Process by which the sum may be recovered.

(f) Particulars
of property
(if any against
which
process may be
executed.

(g) Further
particulars
(if required
under section
257-Cof
Rajasthan Act
15 of 1956)

3. The sum is recoverable by you in the same manner as an arrear of revenue; and you are, therefore, requested to recover it as such and submit it to my office at.....

Yours faithfully, Signature and designation with seal and date. Notifications [No. F.6(9) Revenue I Gr.IV/77, dated. 4-2-1978, published in Rajpatra part IV(ga), dated 16-2-1978, p. 4861-S.O.776. - In exercise of the powers conferred by subsection (1(b) of section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the State Government hereby directs that duties imposed and powers conferred by sections 229 and 230 of the said Act read with Rules 23 and 29 of the Rajasthan Land Revenue (Payment, Credits, Refunds and Recovery) Rules, 1958 on the Collector shall be performed and exercised by all the Assistant Directors Land and Buildings Tax Department within their respective jurisdiction. Ref. Notification under Lands Special Irrigation Charges Act, 1953. Further all Dy. Collectors of Irrigation Department empowered to exercise powers of S.D.O. under Sections 226 and 230 of Rajasthan Land Revenue Act and Rules 23 and 29 of the Rajasthan Land Revenue (Payment, Credits, Refunds and Recovery) Rules, 1958 for recovery of recoverable dues under the Rajasthan Irrigations Drainage Act, 1954 and Rajasthan Lands Special Irrigation Charges Act, 1953. [No. F 6(39) Revenue B/63 - In exercise of the powers conferred by sub-section (1) of section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956). the State Government hereby confers on all Naib-Tehsildars the power of a Tehsildar under Rule 23 of the Rajasthan Land Revenue (Payment, Credits, Refunds and Recovery) Rules, 1958 to issue a writ of demand or citation to appear under section 229 of the said Act.