

ANDHRA PRADESH REVENUE RECOVERY ACT, 1864

By
B.Ramaiah, I.A.S., (Retired)
Senior Faculty

ITEMS TO BE COVERED

- DUES RECOVERABLE UNDER R.R. ACT
- METHODS ADOPTED TO REALIZE ARREARS.
- DISTRAINT OF MOVABLE PROPERTY
- SALE OF MOVABLE PROPERTY
- OTHER ASPECTS RELATED TO DISTRAINT OF MOVABLE PROPERTY
- ATTACHMENT OF IMMOVABLE PROPERTY
- MANAGEMENT OF ATTACHED PROPERTY
- SALE OF IMMOVABLE PROPERTY ATTACHED
- PURCHASE OF LAND (ATTACHED) BY GOVERNMENT (BOUGHT IN LANDS FOR GOVERNMENT) (BSO 45)
- OTHER ASPECTS RELATED TO ATTACHMENT
- ARREST AND DETENTION OF DEFAULTER
- PROCEDURE WHEN DEFAULTER/SURETY RESIDES OUT SIDE DISTRICT
- REVISION
- OTHER RELATED STATUTORY PROVISIONS

DUES RECOVERABLE UNDER R.R. ACT

- Arrears of Land Revenue
- Land revenue not paid before 10th of the month of Kist bandi (Land Revenue is exempted from payment.) --- Sec.4
- **Water tax not paid by 30th June.**
- Revenue other than L R due to State Government --- Sec.52
- Advances made by Government for cultivation or for other purposes.
- Fine ordered to pay to Government by courts.
- All cesses levied on land. (No cesses)
- Sums due to Government including loss or damage sustained by them in consequence of breach of contract.
- Loans re payable to bank – guaranteed by Govt. --- Sec.52 A

Contd...2/-

- **Loans and advances payable to cooperatives established under Central/State Government.**
- **Loan repayable to Banks related to Welfare Schemes.**
- **Government to notify loans payable to Corporations and Banks.**
- **Can be recoverable from persons who are due to pay / payable in due course to defaulters** **Sec 52 B**
- **Batta payable to persons employed to serve notices, interest and charges incurred** **--- Sec.54.**
- **Interest is charged on arrears of land revenue at 6%** **--- Sec.7**
- **COLLECTOR OR OFFICER EMPOERED BY THE COLLECTOR TO PROCEED TO RECOVER ARREARS** **-----Sec 5**

METHODS ADOPTED TO REALIZE AREAS `

- **Distraint and sale of Movable property**
- **Attachment of and sale of Immovable property.**
- **Arrest and detention of the defaulter.**

DISTRAINT OF MOVABLE PROPERTY

- **The Collector or officer empowered has to issue notice -- Sec. 8**
- **The Tahsildar/ Mandal Revenue inspector are empowered –**
BSO.41para.6
- **Notice be issued in Form –I (DESRAINT ORDER) Sec. 8-BSO 41 para 6**
- **Details of defaulter – arrears due, batta , interest -- date of distress -are shown in the notice.**
- **Be specified in the notice that on presentation of distraint order, the amount has to be paid- if failed, distraint be made by the distrainer specified in the order(-VRO.)**

- Further specified that the disrained property will be brought to sale, if the amount is not paid
- Notice to be served on defaulter/ left at place of residence of defaulter - left in the premises where distraint is made – three days before
- If amount not paid/arrangements are not made for securing the same on service of notice- de-strainer to distraint the property- inventory is prepared
- Distraint to be proportionate to the arrears. ... Sec. 14
- Distraint shall be between sun rise and sun set --- Sec. 15.

▪

- Necessary wearing apparel, cooking vessels, beds bedding, present ornaments of a women – religious in nature – be ploughs, implements of husbandry , one pair of cattle, manures, seeds, any other article notified by Government are **exempted** from distraint. **Sec14A**
- **Inventory** to be communicated to Tahsildar -in From.II
Sec. 9
- Tahsildar is empowered to sell distrained property – as per **Sec.2 of A.P. Rent and Revenue Sales Act 1939**
Govt invest power of Tahsildar on any officer
- Tahsildar may delegate to any subordinate, subject to the orders of the Collector.

SALE OF MOVABLE PROPERTY

- The Tahsildar shall issue a notice in Form-3(NOTICE OF SALE OF MOVABLE PROPERTY)
- Time place and date of sale to be specified - --- Sec. 22
- The notice be affixed on the house of Defaulter /premises where property is distrained.
- Details of distrained property be shown.
- Be specified that the sale is subject to revision powers of Collector
- Date of a sale shall be 15 days after the notice is affixed on the house of defaulter.
- If dues including all components are paid by one day before sun-set on the day fixed for sale –property is released to defaulter.

----contd

SALE OF MOVABLE PROPERTY ----contd

- Sale to be held – disposed in favour of **highest bidder..**
- Purchaser has to make full payment at the time of sale
Sec 24
-----not permitted to take away the property before payment is made.
- If not paid, it is **resold** and if amount realized is less than in first Sale –deficit is recovered from defaulting purchaser - if excess – paid to him.
- If sale value is more than arrears and interest etc, – excess is paid to defaulter.

OTHER ASPECTS RELATED TO DISTRAINT OF MOVABLE PROPERTY

- Distrained crops are reaped / gathered and sold – expenditure incurred to be adjusted from sale value / recovered from defaulter
--- Sec.11
- If defaulter makes fraudulent conveyance of property – Civil Court orders property to be delivered to distrainer – defaulter is liable to be prosecuted U/s 424 of IPC --- Sec. 16.
- Distrained property, if forcibly taken away, – Defaulter is liable for the penalties as prescribed in IPC --- Sec. 18.
- Distrainer may get open the rooms within the house -- Sec. 19.



---contd

OTHER ASPECTS RELATED TO DISTRAINT OF MOVABLE PROPERTY ---contd

- **Outer gate** of the house be opened in presence of a police officer and the room wherein women stay is opened only after they are removed in suitable manner as per customs –
Sec. 20
- Persons entering the **apartments of women**, if open the room without following the procedure – on conviction – liable for fine up to Rs.500 or imprisonment up to 6 months.
- If property distrained is **perishable** speedily, shall be sold by distrainer
--- Sec.23A
- Distrained cattle or goods shall **not be used** **Sec. 12**

ATTACHMENT OF IMMOVABLE PROPERTY

- A written demand notice in Form 4 (Demand prior to attachment) be served on defaulter.----- issued by the Collector or officer, empowered ----- **Sec 25**
- Tahsildar is authorised – Tahsildar issues notice
- Details of arrears etc be shown in the notice.
- Served on defaulter/ adult male member of the family / affixed on last known residence / on part of the land about to be attached.
- Defaulter is informed to pay the dues within specified time
- The time be decided as per the distance from the land to be attached and place of payment

ATTACHMENT OF IMMOVABLE PROPERTY

- If not paid/ no arrangements are made for payment , proceeded to attach the property ----- **Sec.26**
- Notice of attachment in **Form -5(Notice of Attachment)** be affixed on the land attached. **Sec.27**
- Be specified that the attached property be sold in auction if arrears not paid by a date specified.
- Attachment is publicly proclaimed on land
- Publicised by **beat of Tom -Tom**
- Attachment should be published in **District of Gazettee ----**
----- Sec. 27

MANAGEMENT OF ATTACHED PROPERTY

- Collector to appoint an officer to manage the landed property attached –
Sec.28.
- Notice of assumption in **Form 6(Notice of Assumption)** be served on defaulter/
adult male member of the family/ displayed in conspicuous space in the land
- --- **Sec.29.**
- **Proclamation** of assumption be made on the land.
- Published in the **District Gazettee.**
- The Agent Collects rent etc. – maintains **accounts** on receipts and expenditure
Sec.30.
- Attachment is **not effected** ,if arrears, expenditure, interest are paid.
- **Persons interested** can also pay the dues and get the land released.
- The arrears etc. can be tendered before sunset on **day before** the date fixed
for sale sale.

SALE OF IMMOVABLE PROPERTY ATTACHED

- Sale is by public auction
- Collector/ officer authorized by Collector conducts auction. Tahsildar concerned may be authorized
- Notice of sale in Form 7(Notice of sale of the land) be published.
- Time date, place of sale be specified in the notice
- Be in English and in local language
- Must be issued at least one MONTH before the date of sale.
- Another Notice in Form 7A be published 15 days before the day of sale
- provision that interested persons can make payment before sunset on day before sale - is specified in the notice.

- It should be published in **District Gazette** in local language
- The highest bidder to pay **15%** of sale value immediately.
- Remaining amount be payable in **30** days, if not paid in time -- 15% already paid is forfeited.
- Bidding may be done by **bidder/agent** (with written authorization)
- Any person including defaulter can bid – public servants can do so as per conduct rules
- If 15% or the remaining amount not paid in time – **re-auctioned** – deficit, if any, be realized from defaulting bidder/ excess, if any, paid to him.

- When amount realized is more than the dues etc., excess is paid to the defaulter.
- Application may be made to set a side the sale within 30 days after sale – arrears etc. and 5% to sale value to be remitted
- 15% of sale value paid by purchaser and in addition 5% of sale value shall be paid to purchaser and sale is set a side
----- **Sec. 31 A.**
- Application to set a side sale - on grounds of irregularities may be made within 30 days ---- if irregularities are proved - sale is set a side – 15% of sale value is repaid to purchaser.

- After full amount is paid ,sale is confirmed by RDO/Sub Collector.
- Certificate of sale in Form 8 be issued in favour of purchaser by the Collector. **Sec 38**
- Purchaser to be put in possession
- Lands sold are entered in Form 9 (Register of lands sold)
- Sale of land to be proclaimed on land in Form 10
(Proclamation of purchase of land)

PURCHASE OF LAND (ATTACHED) BY GOVERNMENT (BOUGHT IN LANDS FOR GOVERNMENT) (BSO 45)

- Where it is **suspected** that full value is not realized in Revenue sales.
- Government **authorizes** an officer to participate in bidding on behalf of Government – but not the auction conducting officer.
- Officer to bid when amount found realized in bidding is **not more than 50%** of the value.
- Land so bought is **not treated** as waste land available for assignment.
- Entered in the **specific register**.
- No trespass is allowed.
- RDO can **lease** the bought in land – not to former owner.
- When situation improves, it is **resold**.
- RDO to confirm the sale
- The Collector may consider to reassign bought in land to original owner on payment of arrears with interest .

PROCEDURE WHEN DEFAULTER/SURETY RESIDES OUT SIDE THE DISTRICT

--- Sec 57

- Arrears due are in one District, but defaulter /surety resides in other Districts
- Written application to be sent to the Collector of the District where defaulter resides by the Collector of the District where arrears are due.
- Collector of the other District may delegate the authority to Tahsildar/Deputy Tahsildhar
- The process is followed by the Collector of other district to distrain property –attach the property.

OTHER ASPECTS RELATED TO ATTACHMENT

- All Agreements entered in to with tenants by land owner before attachment are binding on the Collector. **Sec.32**
- But, if proved that it was done so to avoid attachment – not binding.
- Rent paid by tenant before attachment is valid.
- Agent to whom management of attached land is entrusted, if commits criminal /illegal action ,can be prosecuted / suit be filed against him **Sec. 31.**
- Contracts entered by land owner with tenants are binding to land purchaser ----- **Sec. 41.**
- Sale may be postponed if security is provided. ----- **Sec. 47.**

ARREST AND DETENTION OF DEFAULTER

➤ Defaulter can be arrested –

----- when the arrears etc are **not realized** by sale of Distraigned movables and attached immobile property

Sec.48

-----When it is believed that the defaulter /Surety **willfully** Withholding payments

➤ Imprisonment Up to **two years**

➤ But – up to six months when arrears are up to Rs.500 –up to three months when arrears are up to Rs.50

--contd

ARREST AND DETENTION OF DEFAULTER -contd

- **THE PUNISHMENT DOES NOT EXTINGUISH THE DEBT OF DEFAULTER / SURETY**
- **Female defaulters shall not be arrested**
- **Collector/RDO is competent to issue warrant of arrest and detention . Sec. 49.**

- **Form of warrant is Form 11**
- **The officer authorized to arrest the defaulter – conveys the defaulter to the jailer along with a copy of warrant**
- **Jailer to retain copy of warrant and to send the original to the in-charge of the Jail.**

REVISION

- **State Government can call for records ----- Sec. 57 A**
- **It may be on filing application by aggrieved/ or suo-moto.**
- **Verifies the authority of the officer conducted the proceedings and legality or propriety of decisions**
- **Stay order may be issued while revision is pending**
- **CCLA may also exercise the same.**
- **Suits may be filed in Civil Court but within 6 months. Sec. 59**

OTHER RELATED STATUTORY PROVISIONS

- **A P REVENUE VRECOVERY (SALES PERISHABLE ARTICLES) RULES1959**
- **A.P. Rent and Revenue Sales Act 1939**
- **ANDHRA PRADESH REVENUE SUMMONS ACT1869 & RULES FRAMED THERE UNDER.1959**
- **BSOs 35 to 49 and 189**
- **FORMS ARE GIVEN AS APPENDIXES TO BSOs**

Thank You