

## **UNCLAIMED PROPERTY ACT, 1333**

**1 of 1333**

**[ ]**

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## **UNCLAIMED PROPERTY ACT, 1333**

**1 of 1333**

**[ ]**

Whereas it is expedient to amend the Unclaimed Property Act; It it hereby enacted as follows :-

### **1. Short title :-**

This Act may be called "The Unclaimed Property Act" and it shall come into force in the whole of the Telangana area of the State of Andhra Pradesh from the date of its publication in the Official Gazette. The Unclaimed Property Act No.IV of 1324 Fasli shall be repealed from the commencement of this Act.

### **2. Definitions :-**

In this Act unless there is anything repugnant in the subject or context:-

(a) "unclaimed property" means and includes

(1) such movable and immovable property as is not in the nature of State grant and the right whereof, on extinction of the rights of the last owner, does not accrue to any person, and

(2) such property as has no claimant or has a claimant to whom no right prima facie accrues in respect thereof.

(b) Investigating Magistrate' means-

(i) when the unclaimed property is upto the value of Rs.1,000 in the Hyderabad City limits, the City Magistrate and elsewhere the Munsiff Magistrate within his jurisdiction;

(ii) when the unclaimed property is of more than 1,000 rupees in value, in the Hyderabad City limits, the Chief City Magistrate and elsewhere the District Magistrate or the Additional District Magistrate within his jurisdictions.

### **3. Government shall have right to unclaimed property :-**

The Government shall be the owner of every unclaimed property in the area to which this Act extends.

### **4. Proceedings relating to unclaimed property :-**

(1) Where an unclaimed property specified in Clause (1) of sub-section (a) of Section 2 is in the possession of any person, a suit for the recovery of the property shall be filed in a Civil Court and the possession thereof shall not be disturbed without obtaining an order from the Civil Court.

(2) The Government shall, by rules, determine the manner in which and the officer by whom the information regarding such property shall be given to the Government and also the kind of inquiry after which and the officer with whose sanction the suit shall be filed in a Civil Court.

### **5. Investigation of unclaimed property :-**

The Investigating Magistrate shall investigate into every unclaimed property specified in Clause (2) of sub-section (a) of Section 2.

### **6. Action to be taken by Police Officer :-**

(1) Where it appears to a Police Officer, not below the rank of a

Sub-Inspector, that an unclaimed property specified in Clause (2) of sub-section (a) of Section 2 is lying within the local limits of his jurisdiction, he shall take the property into his custody and, as soon as possible, prepare at the site and in the presence of respectable persons of the locality an inventory thereof and forthwith submit the same to the Investigating Magistrate.

(2) Where a person locks his property in a rented house and leaves the place and does not pay the rent for three months, he may be proceeded against under sub-section (1).

**7. Investigating Magistrate to order regarding custody of property :-**

The Investigating Magistrate shall, on receipt of such inventory, issue suitable order regarding the custody of the property.

**8. Immediate sale of property subject to speedy decay :-**

Where the property seized or any part thereof is subject to speedy decay or requires heavy expenditure for its protection or, for any other reason, the immediate sale thereof is found expedient by the Investigating Magistrate, he may issue an order for the sale thereof and such order shall be in writing recording the reasons therefor. The sale proceeds shall be held in deposit and deemed to be the seized property.

**9. Investigating Magistrate to issue proclamation :-**

(1) On receipt of the inventory in accordance with Section 6, the Investigating Magistrate shall issue a proclamation giving details of the property, to the effect that any person having any claim to the said property shall appear and file his objection within six months from the date of the proclamation.

(2) The proclamation specified in sub-section (1) shall be published in the manner laid down in the Code of Civil Procedure, 1908 for the sale of an attached property, and the investigating Magistrate may publish such proclamation in whatever manner he thinks fit.

**10. Proceedings in event of objection not filed within prescribed period :-**

If no person making objection appears within the period mentioned in the proclamation, the Investigating Magistrate shall declare the property seized as unclaimed and sell it and the sale-proceeds shall be credited to the Judicial Department under the head deposit.

**11. Fixing of date for inquiry in event of appearance of person making objection and its notice to Government :-**

If any person making objection appears within the period mentioned in the proclamation and duly files the objection, the Investigating Magistrate shall fix a date for hearing the objection and give notice to the Government in the Judicial Department or some officer whom the Government may appoint for that work to appear and defend.

**12. Inquiry and decision :-**

(1) On the fixed date the Investigating Magistrate shall give an opportunity to the person making objection to produce proof and to the Government, to contest it and then decide whether or not the person making the objection is prima facie entitled to the seized property.

(2) Where no one appears either on behalf of the person making objection or the Government, on the date fixed or on a subsequent date that may be fixed action may be taken ex parte.

**13. Proceedings in event of objection being accepted :-**

Where, the Investigating Magistrate is of the opinion that the property seized or any part thereof should be made over to the person making objection, the same shall be delivered to the person making objection; otherwise the property shall be declared as unclaimed and sold and the sale proceeds credited to the Judicial Department under the head deposit:

Provided that, if the property is a cultivable land its right of occupancy shall be sold by auction through the Revenue Officers and the sale proceeds shall be credited to the Judicial Department under the head deposit';

Provided also that in the case of an immovable property an order of the Government in the Judicial Department shall be obtained as to how it should be dealt with.

**14. Proceedings in extent of objection being rejected :-**

Where the objection has been rejected under Section 13, the claimant may file a regular suit against the Government in a Civil Court within six months from the date of rejection.

**15. Procedure of sale to be under Code of Civil Procedure :-**

The whole procedure of the sale with the Investigating Magistrate

may conduct under this Act shall be in the manner laid down in the Code of Civil Procedure as for a sale in execution of a decree.

**16. Disposal of objections of resisting party :-**

When charge of the property is taken under Section 6 and any person resists against such charge, his objections shall be determined by the Investigating Magistrate in the same manner as is done in case of resistance by a third person in the execution of a decree.

**17. Power to make rules :-**

The Government may, make rules for the purposes of this Act; such rules shall come into force on their publication in the Official Gazette.