

Kerala Revenue Recovery (Amendment) Act, 2007

31 of 2007

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Kerala Revenue Recovery (Amendment) Act, 2007

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An Act further to amend the Kerala Revenue Recovery Act, 1968
WHREAS, it is expedient further to amend the Kerala Revenue Recovery Act, 1968 for the purposes hereinafter appearing;

1. Short Title And Commencement :-

- (1) This Act may be called the Kerala Revenue Recovery (Amendment) Act, 2007.
- (2) Section 3 of this Act shall be deemed to have come into force on the 27th day of February, 1980 and the remaining provisions shall be deemed to have come into force on the 12th day of December, 2005.

2. Amendment Of Section 69 :-

In section 69 of the Kerala Revenue Recovery (Amendment) Act, 1968 (15 of 1968) (hereinafter referred to as the principal Act),-

- (1) in sub-section (2), for the words "the demand arose", the words "the defaulter or his surety resides or holds property" shall be substituted;
- (2) in sub-section (5),-
 - (a) for the words, figures and brackets "when a certificate is received under sub-section (1) or sub-section (4)", the words,

figures and brackets "when a certificate under sub-section (1) or a requisition under sub-section (2), as the case may be, is received" shall be substituted;

(b) the words, figure and brackets "or sub-section (4)" in the second sentence shall be omitted.

3. Amendment Of Section 71 :-

To section 71 of the principal Act, the following proviso shall be added, namely:-

"Provided that such specified institution or class or classes of institutions or autonomous bodies, as the case may be, shall be liable to pay collection charges for the recovery of the amounts, at such rate and in such manner, as may be prescribed by the Government".

4. Amendment Of Section 72 :-

In section 72 of the principal Act,-

(1) in the marginal heading, the words "save where fraud alleged" shall be omitted;

(2) the existing section 72 shall be renumbered as sub-section (1) of that section and,-

(a) in sub-section (1) as so renumbered,-

(i) in clause (i), for the words, "Board of Revenue", the words "Commissioner of Land Revenue" shall be substituted;

(ii) the proviso shall be omitted;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Government, or the Commissioner of Land Revenue or the Collector or any officer or authority under this Act.".

5. Amendment Of Section 81 :-

In section 81 of the principal Act,-

(1) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Subject to the provisions contained in section 72, any person aggrieved by any decision or order passed or proceedings taken under this Act for arrears due or alleged to be due from him, may

file a suit against the Government in a civil court of competent jurisdiction:

Provided that, the person aggrieved has availed himself of the remedies, for redressing his grievances provided in this Act."

(2) in the proviso to sub-section (2) for the words, "Board of Revenue", occurring in two places, the words "Commissioner of Land Revenue" shall be substituted.

6. Amendment Of Section 83 :-

In section 83 of the principal Act,-

(1) in the marginal heading, for the words "Board of Revenue" the words, "Commissioner of Land Revenue" shall be substituted;

(2) in sub-sections (1), (2) and (3), for the words "Board of Revenue" wherever they occur, the words "Commissioner of Land Revenue" shall be substituted.

7. Section 7 :-

8. Repeal And Saving :-

(1) the Kerala Revenue Recovery (Amendment) Ordinance, 2007 (51 of 2007) is here by repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.