

## **GOVERNMENT DEMANDS ACT, 1308**

**4 of 1308**

**[14 Ardebehisht, 1308]**

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## **GOVERNMENT DEMANDS ACT, 1308**

**4 of 1308**

**[14 Ardebehisht, 1308]**

WHEREAS it is expedient to facilitate the recovery of certain Government demands; It is hereby enacted as follows :-

### **1. Short title, local extent and commencement :-**

This <sup>1</sup>Act may be called the Government Demands Act, and shall come into force at once in <sup>2</sup>[the Hyderabad area of the State of <sup>3</sup> [Maharashtra] on the 1st Kurdad, 1308 Fasli. But nothing herein contained shall apply to the special orders issued before the passing of this Act, and to the recovery of land revenue and any sum in respect of which an express provision that it shall be recovered as land revenue is made in any law.

1. Published in the Jarida, dated 23rd Ardibehisht, 1308-F.
2. Substituted by A.O. 1956.
3. Substituted by A.O. 1960.

### **2. Particulars of demands recoverable by this Act :-**

In the following cases proceedings may be taken under this Act,

unless there is any other law in force ,

(a) When there is any debt, or any sum recoverable from any person by the <sup>1</sup>[Government] under the express provision of any law, or any rules, or under an order issued as a rule before the passing of this Act;

(b) When there is any security money recoverable by the [Government] from any lease-holder, contractor, purchaser at auction, or Government servant, or from his surety ;

(c) When there is recoverable from any person any sum in respect of which such person has made an agreement with the <sup>2</sup>[Government] in writing that the <sup>2</sup>[Government] may recover it under the provisions of this Act;

Explanation In this section the word "debt" includes only the sum advanced as loan by the <sup>2</sup> [Government] to any person or towards the payment of any person's debt with his consent before the passing of this Act.

1. As amended by Act No. III of 1308-F.

2. As amended by Act No. III of 1308-F.

### **3. Preparation of memorandum :-**

When there is recoverable from any person any sum of the nature mentioned in Section 2, the <sup>1</sup>[Collector] of the District in which such person resides or in which such sum is recoverable shall prepare a memorandum in the form set forth in the First Schedule specifying the reasons therefor and shall sign it and affix the office seal to it. Such memorandum shall be deemed to be a decree by a Court against such person in favour of the <sup>2</sup>[Government]. The <sup>1</sup> [Collector] may recover the demand mentioned in the memorandum in accordance with the procedure relating to the execution of decrees, and shall be deemed to be a Court for the purposes of the recovery proceeding; and all provisions relating to the proceedings in the passing of decrees shall apply to such proceeding.

1. Substituted by A. O. 1956.

2. As amended by Act No. III of 1308-F.

### **4. Copy of memorandum to be sent to defaulter :-**

(1) After a memorandum referred to in Section 3 has been prepared a copy thereof shall, through a notice in the form set forth

in the Second Schedule, be sent to the person from whom the sum is recoverable. But such memorandum shall not be executed until two months from the date of service of the notice, or, if an objection has been filed, until such objection has been determined. But if the <sup>1</sup>[Collector] is satisfied by a statement on oath or evidence that such person intends to transfer or encumber his property with a view to prevent or delay the realization of the Government demand, he may, before the expiry of the prescribed period or the determination of the objection, attach his property, after recording the reasons therefor, in the manner in which attachment is affected before judgment.

(2) If no property belonging to such person is situate within the local limits of jurisdiction of the <sup>1</sup>[Collector] who has prepared the memorandum such memorandum shall be sent for execution to the <sup>1</sup>[Collector] of the District within the local limits of whose jurisdiction any property belonging to such person is situate. Such <sup>1</sup> [Collector] may execute such memorandum in the same manner as if he himself had prepared it.

1. Substituted by A. O. 1956.

#### **5. Objection regarding memorandum :-**

After service of notice as also before such service if the person in any way be informed of the preparation of the memorandum, he shall file his objection before the <sup>1</sup>[Collector] who has prepared the memorandum. The <sup>1</sup>[Collector] shall, after hearing the objection and taking such evidence as may be produced by such person and making necessary inquiry, pass an order for the memorandum to stand or to be modified or set aside, and for the costs of the inquiry. The <sup>1</sup> [Collector] shall, for the summoning of witnesses and for making inquiry, have all the powers which a Civil Court has in civil suits in respect of such matters.

1. Substituted by A. O. 1956.

#### **6. Suit in a Civil Court for setting aside memorandum order :-**

<sup>1</sup> If such person is aggrieved by such order, he may institute a suit against the Government, in the Court of District Judge for setting aside the order or for the refund of the amount realised in execution of the memorandum or (if an order is passed within one year from the date of the objection) within one year from the date of order setting aside the memorandum or of the memorandum or

of the realisation (as the case may be), and the Court may pass such orders as it may deem proper and may at any time before the execution of the memorandum or order, order the execution to be stayed subject to the same conditions as would apply to an Appellate Court in appeal regarding the staying of execution of judgment under appeal.

1. Substituted by A. O. 1956.

**7. Procedure for recovery of Government demands also applicable to Sarf- i-khas demands :-**

**<sup>1</sup>** The procedure for the recovery of Government demands, laid down in the foregoing sections, shall also apply to such demand of the Sarf-i- khas as are of the nature specified in Section 2.

1. Amended by Act NO. III of 1322-F.

**SCHEDULE 1**  
**SCHEDULE**

(See Section 3)
<p style="text-align: center;"><b>SCHEDULE 1</b></p> <p style="text-align: center;">(See Section 3)</p> <p>I, _____7[Collector] of _____</p> <p>District, declare by this memorandum that the following Government demand is recoverable from _____ son of _____ resident of _____</p> <p style="text-align: center;"><b>Particulars of the demand :</b></p> <p>The above mentioned sums are recoverable under the Government Demands Act.</p> <p style="text-align: right;"><b>Signature of'[Collector] of the District</b></p> <p style="text-align: right;">(OFFICE SEAL)</p>

**SCHEDULE 2**  
**SCHEDULE**

(See Section 4)
<p style="text-align: center;"><b>SCHEDULE 2</b></p> <p style="text-align: center;">(See Section 4)</p> <p>From,</p>

**Signature of9[Collector] of the District**

(OFFICE SEAL)