



The Revenue Recovery (Uttar Pradesh Amendment) Act, 1965
Act 11 of 1965

Keyword(s):

Revenue Recovery Act, 1890, Central Act Amendment

Amendment appended: 37 of 2001

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THE REVENUE RECOVERY (UTTAR PRADESH
AMENDMENT) ACT, 1965,

(U. P. ACT No. XI OF 1965)

[Authoritative English Text* of the Revenue Recovery (Uttar Pradesh Sanshodhan) Adhiniyam, 1965.]

AN

ACT

to amend the Revenue Recovery Act, 1890 in its application to Uttar Pradesh.

Act
No. I
of
1890.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows :

1. (1) This Act may be called the Revenue Recovery (Uttar Pradesh Amendment) Act, 1965.

Short title and extent.

(2) It shall extend to the whole of Uttar Pradesh.

2. For clause (2) of section 2 of the Revenue Recovery Act, 1890 (to be hereinafter called the principal Act) the following shall be substituted, namely:

Amendment of section 2.

“(2) ‘Collector’ means the chief officer incharge of the revenue administration of a district and includes any Assistant Collector empowered by such officer to perform the functions of Collector under this Act ; and”.

3. For sub-section (2) of section 3 of the principal Act, the following shall be substituted, namely:

Amendment of section 3.

“(2) The certificate shall be signed by the Collector making it, and, save as otherwise provided by this Act, shall be conclusive proof of the matters therein stated”.

*For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated February 11, 1965.

Passed in Hindi by the Uttar Pradesh Legislative Council on February 15, 1965 and by the Uttar Pradesh Legislative Assembly on April 2, 1965.

Received the Assent of the President on June 1, 1965, under Article 201, of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated June 10, 1965.

Amendment of
section 5.

4. For section 5 of the principal Act, the following shall be substituted, namely :

“5. (1) Where any sum is recoverable as an arrear of land revenue by any public officer other than a Collector or by any local authority, such officer or authority may send to the Collector of the district in which the office of that officer or authority is situate or of any other district in Uttar Pradesh where the defaulter is or has property, a certificate in such form as may be prescribed by rules made in this behalf.

(2) Save as otherwise provided by this Act, the certificate shall be conclusive proof of the matters therein stated.

(3) The Collector shall, on receipt of the certificate under sub-section (1), proceed to recover the amount stated therein as if the sum were payable to himself.

(4) The provisions of section 4 shall have effect in relation to such certificate as if it were a certificate sent under sub-section (1) of section 3.”

5. After section 5 of the principal Act as substituted above, the following shall be added as a new section, namely :

“5-A. Where any sum is recoverable as an arrear of land revenue by any public officer other than a Collector or by any local authority, and the defaulter is or has property in a district outside Uttar Pradesh, the Collector of the district in which the office of that officer or authority is situate may, on the request of the officer or authority, send a certificate of the amount to be recovered to the Collector of the district where the defaulter is or has property under the foregoing provisions of this Act, as if the sum were payable to himself.”

Addition
section 11.

of 6. After section 10 of the principal Act, the following new section shall be added, namely :

“11. (1) The State Government may, by notification in the *Gazette*, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

UTTAR PRADESH SARKAR
VIDHAYI ANUBHAG—1

No. 2588(2)/XVII-V 1—1 (K.a) 23-2001
Dated Lucknow, November 09, 2001

NOTIFICATION
MISCELLANEOUS

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Rajaswa Vasuli (Uttar Pradesh Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 37 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the President on November 02, 2001:—

THE REVENUE RECOVERY (UTTAR PRADESH AMENDMENT) ACT, 2001
(U. P. ACT NO. 37 OF 2001)
(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Revenue Recovery Act, 1890 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Revenue Recovery (Uttar Pradesh Amendment) Act, 2001.
(2) It shall extend to the whole of Uttar Pradesh.

Short title,
extent and
commence-
ment

Amendment of
section 3 of Act
no. 1 of 1890

(3) It shall be deemed to have come into force on August 30, 1974.

2. In section 3 of Revenue Recovery Act, 1890, hereinafter referred to as the principal Act, for sub-section (3) the following sub-sections shall be substituted, namely:—

“(3) The Collector of the other district shall, on receiving the certificate, proceed to recover the amount stated therein, together with the costs of the recovery, as if it were an arrear of land revenue which had accrued in his own district.

(3-a) The costs of the recovery under sub-section (3) shall be such as may be specified by the State Government by notification but the amount of such costs shall not exceed ten per cent of the amount stated in the certificate.”

Amendment of
section 4

3. In section 4 of the principal Act,—

(a) in sub-section (1)—

(I) for the words “pays the same” the words “pays the same together with the costs referred to in sub-section (3-a) of the said section” shall be substituted;

(II) for the words “repayment of the amount” the words “repayment of the amount stated in the certificate” shall be substituted;

(b) after sub-section (4) the following sub-section shall be inserted, namely:—

“(5) where a suit instituted under sub-section (2) is decreed, wholly or partly, the court shall also direct that the defaulter shall be repaid the proportionate costs paid by him under sub-section (1).”

Amendment of
section 5

4. In section 5 of the principal Act, for sub-section (3) the following sub-sections shall be substituted, namely:—

“(3) The Collector shall, on receipt of the certificate under sub-section (1), proceed to recover the amount stated therein, together with the costs of the recovery as if the amount stated in the certificate were payable to himself and such costs were also an arrear of land revenue.

(3-a) The costs of the recovery under sub-section (3) shall be such as may be specified by the State Government by notification but the amount of such costs shall not exceed ten per cent of the amount stated in the certificate.”

Amendment of
section 6

5. In section 6 of the principal Act,—

(a) in sub-section (2) for the words “in the certificate” the words “in the certificate together with the costs of the recovery” shall be substituted;

(b) in sub-section (3) for the words “in the certificate” the words “in the certificate or the costs of such recovery” shall be substituted;

(c) in sub-section (4) for the words “in a certificate” the words “in a certificate or the costs of such recovery” shall be substituted.

Amendment of
section 10

6. For section 10 of the principal Act, the following section shall be substituted, namely:—

“10. Where a Collector receives a certificate under this Act from the Collector Duty of Collectors of another district or from any other public officer or to remit moneys from any local authority he shall remit the sum collected in certain recovered by him by virtue of that certificate to the cases

Collector or the other public officer or the local authority after deducting the sum recovered as costs of the recovery.”

7. Notwithstanding any judgement, decree or order of any court, the costs of a recovery recovered over and above the amount stated in the certificate referred to in section 3 or section 5 of the principal Act from a defaulter under an order of the State Government, shall be deemed to have been validly recovered under the principal Act as amended by this Act and no defaulter shall be entitled for refund of such costs, and if such costs have not been so recovered the same shall be recoverable from the defaulter under the corresponding provisions of the principal Act as amended by this Act as if the provisions of the principal Act as amended by this Act were in force at all material times.

Validation and
Consequential
provisions

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Revenue Recovery Act, 1890 *inter-alia*, provides for the procedure for recovery of an arrear of land revenue or a sum recoverable as an arrear of land-revenue. The State Government has, *vide* G. O. No. 285/11-69(II-876)-Revenue-7, dated August 26, 1974, directed for recovery of collection charge equal to ten per cent of the amount stated in the recovery certificate, in addition to the amount stated in the recovery certificate. The High Court of Judicature at Allahabad has, *vide* its order dated November 20, 1998 in Writ Petition no. 29612/92, *M/s. Mahalaxmi Sugar Mills Ltd. V/s State of U. P. and others*, quashed the said Government order mainly on the ground that the said Act as also the Uttar Pradesh Revenue Recovery Rules, 1966 do not provide for recovery of collection charge in addition to the amount stated in the recovery certificate. The State Government filed Special Leave Petition no. 6192/99 against the said order of the High Court. The Supreme Court while granting the Leave applied for, did not stay the operation of the said order of the High Court. It has, therefore, been decided to withdraw the said Special Leave Petition and to amend the said Act to provide for the recovery of collection charge also at the rate not exceeding ten per cent of the amount stated in the recovery certificate and to validate the recoveries already made in pursuance of the said Government Order.

The Revenue Recovery (Uttar Pradesh Amendment) Bill, 2001 is introduced accordingly.