REVENUE DEPARTMENT

G.O.Ms.No.258
Dated 7.2.1978

Read:

From the Board of Revenue, Ref.A1.4224/74, dt.25.8.74.

ORDER;

The Government are receiving requests from several departments for effecting recovery of dues to the Government by invoking the provisions of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act V of 1864) Government consider that a general method; in such cases of recovering due to various departments should be evolved before applying the said Act so as to avoid unnecessary correspondence between the Heads of department and Government and subsequent references to Collectors/District Revenue Officers, etc. All heads of Departments are informed that the following ingredients have to be satisfied before the Tamil Nadu Revenue Recovery Act is applied. They are:

(i) There should be a sum due to Government;
(ii) The liability to pay the specific amount mentioned should be established; if the quantum of liability is disputed, the provisions of section 52 of the Tamil Nadu Revenue Recovery Act cannot be invoked; and
(iii) Methods specially provided for in the agreement, deed, bond, etc., for the recovery of dues to Governments should be tries and exhausted, subject to the provisions contained in Section 52A of the Tamil Nadu Revenue Recovery Act, '1864, wherever that section is applicable,

2. Besides, moneys due to Government can also be recovered under the general law by instituting suits. All the heads of departments should examine the feasibility of filing suits in the local civil course having jurisdiction in consultation with the Law Officers of the Government. In suitable cases, the methods of recovering the dues under the Tamil Nadu Revenue Recovery Act as well as by filing civil suits can be adopted one after another.

3. All Heads of Departments are therefore, informed that while submitting the proposals for invoking the provisions of Tamil Nadu Revenue Recovery Act for recovery of the dues to the Department to ensure that the ingredients mentioned above are satisfied in each case. If any one of the ingredients is not satisfied, suitable
alternatives should be thought of. If any details as aforesaid are wanting, they should be supplied before addressing the Governments in the Revenue Department.

4. Where, however, any peculiar problems are involved, a copy of the reference of the Heads of Department may be sent to the Board of Revenue (Land Revenue), Madras also which will forward its views to the Government in the matter. The Government will thereafter final orders in such complicated cases.

5. All heads of departments are requested to bear the above instructions in mind while sending proposals for recovery, under the Tamil Nadu Revenue Recovery Act, of all dues to Government in future.

(BY ORDER OF THE GOVERNOR)

C.V.S.MANI,
SECRETARY TO GOVERNMENT

To

All Heads of Departments including Collectors.

Copy to:

The Board of Revenue, Madras-5(All branches)
The Departments of Secretariat(OP Sections).

/Forwarded/ by order /

/true copy/

Section Officer.