

*THE KERALA ESCHEATS AND FORFEITURES RULES, 1965

S. R. O. No. 184/65.— In exercise of the powers conferred by Section 17 of the Kerala Escheats and Forfeitures Act, 1964 (Act 4 of 1964) the Government of Kerala hereby make the following Rules, namely:—

RULES

1. Short title.— These rules may be called the Kerala Escheats and Forfeitures Rules, 1965.

2. Commencement.— They shall come into force on 1-6-1965.

3. Definitions.— In these rules, unless the context otherwise requires,—

(a) "the Act" means the Kerala Escheats and forfeitures Act, 1964.

(b) "Gazette" means the Kerala Gazette.

(c) "Tahsildar" means the Tahsildar in charge of a Taluk.

(d) "Village Officer" means the Village Officer in charge of a revenue village and includes a Village Assistant.

4. Duty of Village Officer.— Whenever the Village Officer comes to know or receives information from any source that any person in possession of any movable or immovable property lying within his jurisdiction has died intestate and without legal heirs he shall report the fact immediately to the Tahsildar.

5. Duty of Tahsildar.— (a) Whenever a Tahsildar receives information from the Village Officer under Rule 4 or from any other source that any person in possession of any movable or immovable property lying within his jurisdiction has died intestate and without legal heirs, he shall immediately after such enquiry as he deems necessary, report the fact to the Collector.

6. Preliminary enquiry.— ¹[(1)] The Collector shall on receipt of information from the Tahsildar or from any other source that any person in possession of property within his jurisdiction has died intestate and without legal heirs, direct the Tahsildar to conduct such preliminary enquiry as is deemed necessary.

²[(2) The Collector shall maintain a register in the form appended to these rules, of all cases in respect of which he receives information referred to in sub-rule (1).]

7. Mode of Enquiry by Tahsildar.— The Tahsildar shall, on receipt of the direction from the Collector under Rule 6, conduct a preliminary enquiry by taking evidence from the relatives of the deceased, if any, and from the neighbours of the deceased and from two or more respectable disinterested members of the public and shall report the result of the enquiry to the Collector.

8. Publication of notice.— The notice under Section 5 of the Act shall also be published on the notice boards in the office or offices of the Village or Villages, the Panchayat or Panchayats, Tahsildar or Tahsildars and the District Collector or District Collectors in whose jurisdiction the property is situate. The fact of having published such a notice shall be given publicity by advertising the above fact in any two daily newspapers having circulation in the area in which the property is situate.

9. Opportunity to claimants.— In investigating the claim under Section 6, the Collector

* Published under Notification No. 34475/N2/64/10/RD dt. 21/04/1965 as S.R.O. No. 184/65 in K. G. No. 17 dt. 04/05/1965, P.I.

1. Rule 6 renumbered as sub-rule (1) by S. R. O. No. 498/71 dt. 12/11/1971 in K. G. No. 49 dt. 21/12/1971.

2. Inserted by S. R. O. No. 498/71 dt. 12/11/1971 in K. G. No. 49 dt. 21/12/1971.

shall give an opportunity to the claimants to be heard in person or through an advocate or agent authorised in this behalf.

10. Notice of decision.— Notice of the decision under Sections 6,7(1) and 7(2) of the Act shall be given to the parties concerned by registered post.

11. Hearing of appeals.— All the interested parties in appeal under Section 7 may be heard in person, through an advocate or through an agent authorised on this behalf.

12. Government sanction of filing suits.— Before filing a suit under Section 10 of the Act, the Collector shall obtain orders from the Government through the Board of Revenue.

13. Management of property taken possession of.— The property taken possession of by the Collector under Section 10 of the Act may be placed under the direct management of the Village Officer or such other Officer as the Collector may by order in writing order.

14. Preparation of inventory.— The Officer under whose management the property is placed, (hereinafter referred to as "the Manager"), shall immediately prepare and send to the collector an exact inventory of the entire property, movable and immovable and this inventory shall be retained by the Collector after such verification as he deems necessary. The Manager shall have power to enter and inspect any premises for the purpose of preparing the inventory. The Collector shall forward copies of the inventory with a brief report about the escheat to the Board of Revenue and the Government for information and record.

15. Accounts relating to the property.— The Manager shall render to the Collector true and correct accounts of the receipts and disbursements on account of the management of the property.

16. Leasing of property.— The Collector may direct the Manager to lease out annually the right of enjoying the property pending its final disposal subject to such conditions as he may decide. Such lease shall be in public auction and a notice of such auction shall be published in the manner laid down in Rule 20. It shall, however, be open to the Collector to dispense with the public auction for reasons to be recorded in writing.

17. Instruction by Collector.— The Collector may issue such instructions to the Manager as he deems necessary for the efficient management of the property in conformity with the provisions of the Act and the rules.

18. Disposing of perishable articles.— The escheats which are movable properties, those which are perishable and also unclaimed properties shall be disposed of in public auction in the manner laid down in Rule 20.

19. Disposing of forfeited articles.— Articles forfeited under Section 14 of the Act shall also be disposed of by sale in public auction in the manner laid down in Rule 20.

20. Sale of movable property.— (1) This rule applies to sale of movable property only. Every sale under these rules shall be conducted by the Collector or by such other Officer as has been authorised by the Collector to conduct the sale. All the sales shall be subject to confirmation by the Collector.

(2) The Collector shall cause to be published notice of every sale under these rules as indicated below:

(a) In the case of articles the value of which does not exceed Rs. 500 a notice signed by the Collector or by the Tahsildar of the Taluk in whose jurisdiction the property is situate giving the description and other details of the property and specifying the place where and the day and hour at which the property shall be sold in public auction shall be published in the Taluk Office, the Panchayat Office and the Village Office and at such other places as the Collector may consider necessary to give wide publicity to the sale.

(b) In the case of articles, the value of which exceeds Rs. 500 a notice similar to the one indicated in sub-rule (a) above shall be published under the signature of the Collector. In addition to the places mentioned in the sub-rule (a) above, the notice shall also be published in the Gazette and in the District Gazette where such a

Gazette is published and in two or three local dailies in vernacular which have wider circulation in the locality or in the taluk where the property is situate.

- (c) No sale shall be held until a period of 15 days has expired from the date of publication of the notice referred to in sub-rule (a) or sub-rule (b) as the case may be in the Taluk office:

Provided that in the case of perishable articles, the Collector can dispense with this time limit for reasons to be recorded in writing.

(3) An earnest money deposit, to be fixed in each case by the Collector shall be paid to the Officer who conducts the sale by those who intend to take part in the auction. The deposit amount of the unsuccessful bidders shall be refunded immediately after the auction.

(4) A sum of money equivalent to 20% of the bid amount inclusive of the earnest money deposit, shall be paid by the purchaser to the Officer conducting the auction immediately after the auction and the balance within one week after the confirmation of the sale, failing which the property shall be resold at the bidder's risk and the deposit made by him shall be forfeited to Government.

(5) In the case of sales conducted by an Officer authorised by the Collector in that behalf, a report in respect of the sale shall be sent to the Collector within one week to enable him to confirm the sale. In all cases the Collector after satisfying himself that the sale was in order and that there are no applications to set aside the sale shall confirm the sale after the expiry of 30 days from the date of sale.

(6) At any time before the confirmation of the sale, application may be made to the Collector to set aside the sale on the ground of material irregularity or mistake or fraud in notifying or conducting it. If the application be allowed, the Collector shall set aside the sale and arrange for conducting a fresh sale in accordance with this rule. When the sale is not confirmed but is only set aside, the deposit of the purchase money shall be returned to the purchaser.

3[APPENDIX

[Vide Rule 6(2)]

Register of cases in respect of which the Collector receives information

1. Serial No.
2. Village
3. Taluk
4. Sy. no.
5. Description of property
6. Extent
7. Assessment
8. Estimated annual rent and value
9. Estimated market value
10. Name and address of the last owner
11. Date of death of the last owner
12. Date of taking possession of the property by the Collector
13. Date of publication of notice inviting claims
14. Names of claimants and their relationship with the last owner
15. Details of objections raised
16. Details of enquiry by the Collector
17. No. and date of the decision of the Collector under Section 6 of the Act
18. Details of appeals or suits, if any
19. Remarks.]