

GOVERNMENT OF KERALA

No: 95307/H3-05/RD

Revenue (H) Department
Thiruvananthapuram
Dated: 09/03/2007

From

The Principal Secretary to Government.

To.

The Commissioner,
Lannd Revenue,
Thiruvananthapuram

Sir,

Sub :- Revenue Recovery Sale of attached vehicles - insisting the auction -
purchaser to remit the liability of the defaulter (Previous owner) –
clarification

Ref:- 1. Government letter of even No. dated 25/11/2005
2. Your letter No. LR(BG)50279/05 (2) dated 06/05/2006

I am to invite your attention to the reference cited and to inform you that the Authority notifying the auction of a vehicle need to announce the already existing dues/liabilities against the vehicle, such that the public participating in the auction shall be well aware of the existing dues on the attached vehicle.

Attached property as per Kerala Revenue Recovery Act is the Government property and the dues any pending on such property should have to be cleared by the defaulter, who was responsible for the default. Initiation of revenue recovery action is only a mode of realising the dues from the defaulter.

Revenue Recovery action and clearing of pending dues on attached articles are separate issues and decision on the latter is to be taken by the concerned Administrative Department. Therefore payment of vehicles due is not related to the Revenue Recovery action.

As per Kerala Revenue Recovery Act, if the amount fetched in the proposed auction is insufficient for satisfying the due amount then further Revenue Recovery action can be initiated against ther defaulter's other movable or immovable properties. In the circumstances the Auction purchaser cannot be asked to pay the whole dues pending against the previous owner.

The Transport (B) Department in Government has also been requested to clarify the matter to transfer the R C. in favour of Sri. P. M. Shameem, the auction purchaser and that Department has been directed to take steps to transfer R. C. in favour of Shri. P. M. Shameem, the auction purchaser, if he has remitted the auction amount as per the KRR Act.

Yours faithfully,
G. KRISHNANKUTTY NAIR
Under Secretary
For Principal Secretary to Government