

# The Public Demands Recovery Act, 1913

## CONTENTS

### Part-I

	Page
<b>Chapter-1</b>	
<b>Preliminary</b>	
Historical Background of the Law of Public Demands Recovery .....	1
Nature and Scope of the Public Demands Recovery Act, 1913 .....	2
Necessity of the PDR Act, 1913 instead of existing civil Law/ The Purposes of the PDR Act, 1913 .....	3
Definitions .....	4
Jurisdiction of the certificate-officer .....	5
Public Demand .....	6
Illustrations of Public Demands/The demands which are considered as public .....	7
Distinction between a Certificate and a Decree.....	8
Applicability of the Limitation Act, 1908 in Certificate Proceedings .....	9
Special provisions for the recovery of certain dues .....	9
<b>Chapter- 2</b>	
<b>Filing of Certificate and hearing of petition</b>	
Filing of certificate for Public Demand payable to Collector .....	11
Filing of certificate on requisition .....	12
Conditions of a valid Certificate .....	12
Filing of Petition denying liability .....	13
Hearing and Determination on the Petition .....	13
<b>Chapter-3</b>	
<b>Service of Notice of Certificate</b>	
Service of Notice and Copy of Certificate on Certificate-debtor .....	15
Effect of Service of Notice .....	15
Effect of Non-Service of Notice .....	16
Mode of Service of Notice .....	17

**Chapter-4**

**Execution of Certificate**

Provisions as to execution of certificate .....	18
Who may Execute Certificate .....	18
When Certificate may be executed .....	19
Modes of Execution .....	19
Recoverable Interest, Costs and Charges by Execution of Certificate .....	20

**Chapter-5**

**Attachment of property of a Certificate-Debtor**

Properties Liable to Attachment and Sale .....	22
Properties not Liable to Attachment and Sale .....	22
Payment of Money, contrary to Attachment .....	23
Attachment of decree .....	24

**Chapter-6**

**Sale, Setting aside sale, Absolution of an Auction sale**

What passes in a certificate sale .....	26
Grounds on which an Auction Sale can be set aside .....	27
Circumstances constituting material irregularity.....	28
What sums to be deposited for setting aside the sale .....	28
Persons who may apply for setting aside sale .....	29
Persons who may not apply for setting aside sale .....	30
When a certificate Sale becomes absolute .....	30
Distinction between Court's sale and Certificate sale .....	31

**Chapter-7**

**Disposal of Proceeds in execution of a certificate**

Manner of disposal of proceeds .....	32
Notice to the Certificate-debtor before making disposal of surplus proceeds .....	33

**Chapter-8**

**Resistance to purchaser after sale**

Meaning of Resistance and obstruction .....	34
Remedy of the auction purchaser, resisted or obstructed .....	34
Resistance or obstruction in good faith .....	35

**Chapter-9**

**Arrest, Detention and Release**

Power to and Grounds of Arrest and Detention .....	37
Release from Arrest and Re-arrest .....	38
Term of Detention in and Release from Prison .....	38
Release on the ground of illness .....	39
Prohibition of Arrest or Detention of woman and person under disability .....	39

**Chapter-10**

**Interference of Civil Court into Certificate Proceedings**

Right of a certificate-debtor to bring a suit in a civil Court ...	40
Grounds on which a suit may be brought in a civil Court .....	41

**Chapter-11**

**Rules and Their Effects**

Rule making power of the Board of Revenue/the Board of Land Administration .....	43
Effect of the Rules .....	44

**Chapter-12**

**Supplemental Provisions**

Procedure of recovering public demand in case of the death of the Certificate-debtor .....	45
Provisions as to Costs and Compensation .....	46
Provisions as to entering the dwelling house of the certificate-debtor .....	47
Provisions as to Appeal, Revision and Review .....	47
Appeal .....	47
Bar to second Appeal .....	48
Revision .....	48
Review .....	49