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NOTIFICATION

No. C. 31012/1/99-REV, the 19th August, 2004. In exercise of the powers conferred by Sub-Section (3) of Section 1 of the Mizoram Public Demands Recovery Act, 2001 (Act No. 11 of 2001), the Governor of Mizoram is pleased to appoint the 1st day of September, 2004 as the date and from which the said Act shall come into force throughout the whole of Mizoram.

Sd/-

J.C. Ramthanga,
Secretary to the Govt. of Mizoram,
Revenue Department.

14/9/04

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

In exercise of the power conferred by section 47 of the Mizoram Public Demands Recovery Act, 2001 (Mizoram Act No. 11 of 2001), the Governor of Mizoram is pleased to make the following rules.

CHAPTER - I **PRELIMINARY**

1. Short title and commencement.

- (1) These rules may be called the Mizoram Public Demands Recovery Rules, 2004.
- (2) They shall commence on and from the date of publication in the Official Gazette.

2. Definitions.

In these rules, unless the context otherwise requires, -

- (a) "Act" means the Mizoram Public Demands Recovery Act, 2001;
- (b) "Official Gazette" means the Mizoram Gazette;
- (c) "person" means a natural person and shall include under artificial or juristic person;
- (d) "section" means section of the Act.

CHAPTER - II **SIGNING, FILING AND SERVICE OF** **CERTIFICATE OF PUBLIC DEMAND**

3. Signing, filing of Certificate and Service of notice to the Certificate debtor.

(1) The prescribed form of a Certificate of public demand under sections 3 and 5 shall be as laid down in Form No. 1.

(2) The prescribed form for the requisition of a Certificate of public demand under sub-section (1) of section 4 shall be as laid down in Form No. 2.

(3) Any person who makes a requisition of the Certificate of public demand shall pay a requisition fee, as may be notified by Government from time to time for each such requisition through the Treasury Challan under the appropriate head of account for such payment.

(4) Requisition of a particular or of person shall be addressed to the Certificate Officer having jurisdiction upon the place where the public demand, for the recovery of which requisition is sent is payable.

(5) The Requisitioning Officer shall furnish along with the requisition, a statement giving the detailed specification or landed properties, if any, proposed to be attached and sold, in execution of the Certificate including information relating to the particulars of land holdings, Survey

Registration number, area, land value, etc. In the event of any landed property having been given as security for the public demand, for the recovery of which requisition is filed, there shall be specific mention of the details of such properties in the statement to accompany the requisition.

(6) Where the property proposed to be attached is any business or partnership property, the details shall be furnished in the statement to accompany the requisition. Where names of firms have been given, the names and address of partners concerned in case of registered interest or the names and address of the persons having interest in the firm in case of non-registered firms shall be furnished in the statement aforementioned.

4. **Signature and Verification of requisition for Certificates.**

(1) Every requisition made under section 4 shall be signed and verified at the foot by the person making it, or by some other person on his behalf who is proved to the satisfaction of the Certificate Officer to be acquainted with the facts of the case.

(2) The verification shall state that the person signing the requisition has been satisfied by enquiry that the amount stated in the requisition is actually due.

(3) The verification shall be signed by the person making it, and shall state the date on which it is signed.

5. **Service of a notice.**

(1) The prescribed form of notice under section 6 shall be as laid down in Form No. 3.

(2) Service of a notice issued under section 6 or under any other provision of this Act shall be made by delivering or tendering a copy thereof, signed by the Certificate Officer or such other officers as he authorises in this behalf, and sealed with the seal of the Certificate Officer.

(3) Wherever it is practicable, service shall be made on the Certificate debtor in person, unless he has an agent empowered to accept service, in which case service on such agent shall be sufficient.

(4) Where the Certificate debtor cannot be found, and has no agent empowered to accept service of the notice on his behalf, service may be made on any adult male member of the Certificate debtor who is residing with him.

Explanation : - A servant is not a member of the family within the meaning of this rule.

(5) Where the serving officer delivers, or tenders a copy of the notice to the Certificate debtor personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original notice.

6. **Procedure where Certificate debtor refuses to accept service or cannot be found.**

Where the Certificate debtor or his agent, or such other person aforesaid refuses to sign the acknowledgement, or where the serving officer, after using all due and reasonable diligence, cannot find the Certificate debtor, and there is no agent empowered to accept service of the notice on his behalf, nor any other person on whom service can be made, the serving officers shall -

(a) affix a copy of the notice on the outer door or some other conspicuous part of the house in which the certificate debtor ordinarily resides or carries on business or personally works for gain; or

(b) if there be land affected by the notice, affix a copy of the notice on some conspicuous place in the office of the Certificate Officer and also on some conspicuous part of the land; and shall then return the original to the Certificate Officer by whom it was issued, with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person, if any, by whom the house or land was identified and in whose presence the copy was affixed.

7. **Endorsement of time and manner of service.**

The serving officer shall, in all cases in which the notice has been served under rule 5 endorse or annex or cause to be endorsed or annexed, on or to the original notice, a return stating the time when and the manner in which the notice was served, and the name and addresses of the person, if any, identifying the person served and witnessing the delivery or tender of the notice.

8. **Examination of serving officer.**

Where a notice is returned under rule 6, the Certificate Officer shall, if the return under that rule has not been verified by the affidavit of the serving officer and may, if it has been so verified, examine the serving officer on oath, or cause him to be so examined by another certificate officer, or subject to any general order of the Deputy Commissioner, or Additional Deputy Commissioner, touching his proceedings and may make such further inquiry in the matters as he thinks fit; and shall either declare that the notice has been duly served or order such service as he think fit.

9. **Service by post.**

Notwithstanding anything hereinbefore contained, the notice may, if the certificate officer so directs, be served by post.

10. **Signature and verification of petition denying liability.**

(1) The prescribed form of petition denying liability under section 8 shall be as laid down in Form No. 4.

(2) Every petition filed under section 8 shall be signed and verified at the foot of the Certificate debtor or by some other person on his behalf who is proved to the satisfaction of the Certificate Officer to be acquainted with the facts of the case.

(3) The verification shall be signed by the person making it, and shall state the date on which it is signed.

11. **Transfer of such petitions.**

(1) The Certificate Officer may, subject to any general or special order of the Deputy Commissioner, transfer to any Additional Deputy Commissioner, Sub Divisional Officer in the

District headquarters, Extra Assistant Commissioner and Assistant to the Deputy Commissioner, any petition filed under section 8 and such officer shall hear and determine such petition accordingly :

Provided that the Deputy Commissioner may retransfer any petition so transferred, and order that it be heard and determined by the Certificate Officer.

(2) The provision of section 9 shall be applicable to any Additional Deputy Commissioner, Extra Assistant Commissioner or Assistant to the Deputy Commissioner to whom any such petition has been transferred under sub-rule (1).

CHAPTER - III **EXECUTION OF CERTIFICATES.**

12. Execution of a certificate in another district.

Where a copy of a certificate is sent for execution to the Deputy Commissioner of another district under sub-section (1) of section 11, the certificate may be exempted by him or may be transferred by him to any Certificate Officer in his district.

13. Attachment of movable property other than agricultural produce in possession of the Certificate-debtor.

(1) Where the property to be attached in movable property other than agricultural produce in the possession of the Certificate-debtor, the attachment shall be made by actual seizure.

(2) Before the movable property to be attached is attached by actual seizure, the Certificate Officer shall issue in writing and signed by him a warrant of attachment in Form No. 5 to the officer ordered to execute the attachment, specifying the names of the Certificate-debtor and the amount to be realised from him.

(3) The officer executing the warrant shall cause a copy of the warrant of attachment to be served on the Certificate-debtor.

(4) If, after service of the Copy of the warrant, the amount is not paid forthwith, the officer executing the warrant shall proceed to attach the movable property of the Certificate debtor.

(5) The attaching officer may keep the property in his own custody or in the custody of one of his subordinates or may make it over to any chowkidar or respectable resident of the village willing to be responsible for its safe keeping who shall give a receipt thereof. If no such person can be found to take custody of the property, the attaching officer shall bring it to the Court at once at the Certificate-holder's expense. In the event of the Certificate holder failing to provide necessary funds, the property may be released :

Provided that when the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is likely to exceed its value, the attaching Officer may sell it at once.

(6) In the case of attachment of movable property by actual seizure, the officer attaching shall, after attachment of the property prepare an inventory in Form No. 6 of all the property attached, specifying in it the place where it is lodged or kept and shall forward the same to the Certificate

Officer. A copy of the inventory shall be delivered by the attaching officer to the Certificate-debtor.

(7) The attachment of movable property by seizure shall be as nearly as possible proportionate to the amount specified in the warrant of attachment.

(8) Where the property to be attached consists of an interest of the Certificate-debtor, being a partner in the partnership property, the Certificate Officer may make an order in Form No. 7 charging the share of such partner in the partnership property and profits with payment of the amount due under the Certificate and may, by the same or subsequent order, appoint a receiver of the share of such partner in the profits, whether already declared or accruing and of any other money which may become due to him in respect of the partnership, and direct accounts and enquiries and make an order for the sale of such interest or such other order as the circumstances of the case may require. The other partner or partners shall be at liberty at any time to redeem the interest charged, or in the case of a sale directed to purchase the same.

14. **Fees to be charged where attachment of movable property is by actual seizure.**

(1) Where warrant of attachment of movable property is by actual seizure is issued, fees at the following rates or as prescribed by the Government from time to time shall be charged, and the officer deputed to attach such property shall be furnished with a certificate stating the period for which the fees in accordance with this rule have been paid :

- (a) When the amount under the certificate exceeds Rs. 1,00,000/-
- | | | | |
|------|------------------------------------------------------------------------------------------------------------------------|---|------------|
| (i) | for the seizure under the order of attachment | - | Rs. 500.00 |
| (ii) | for each man necessary to ensure safe custody of property so attached when such man is actually in possession per diem | - | Rs. 50.00 |
- (b) When the amount under Certificate is less than Rs. 1,00,000/- but above Rs. 10,000/-
- | | | | |
|------|------------------------------------------------------------------------------------------------------------------------|---|------------|
| (i) | for the seizure under order of attachment | - | Rs. 100.00 |
| (ii) | for each man necessary to ensure safe custody of property so attached when such man is actually in possession per diem | - | Rs. 50.00 |
- (c) When the amount under certificate is less than Rs. 10,000/-
- | | | | |
|------|------------------------------------------------------------------------------------------------------------------------|---|-----------|
| (i) | for the seizure under order of attachment | - | Rs. 50.00 |
| (ii) | for each man necessary to ensure safe custody of property so attached when such man is actually in possession per diem | - | Rs. 10.00 |

(2) Where process of attachment is issued in a number of cases relating to the same or neighbouring village, the fee mentioned in sub-clause (i) referred to above shall be paid in each case and the daily fee in sub-clause (ii) only for the men actually employed. The daily fee at sub-clause (ii) shall be paid at the time of obtaining the process for so many days as the Certificate Officer shall order, not being ordinarily less than fifteen days, and the number of days required for the coming and going of the Attaching Officer; but where that officer is not to be left in possession, then the daily fee shall be paid only for the time to be occupied by the officer going, effecting the attachment

and returning. Where the inventory filed by the Certificate-holder shows the property to be of such small value that the expense of keeping it in custody may probably exceed the value, the Certificate Officer shall fix the daily fee with reference to the provision of rule 13:

Provided that if it appears that for any reason the number of days fixed by the Certificate Officer under this rule and in respect of which fees have been paid is likely to be exceeded and the Certificate-holder desires to maintain the attachment, the Certificate holder shall apply to the Certificate Officer to fix such further number of days as may be necessary, and the additional fees in respect thereof shall be paid in the manner provided in sub-rule (3). If such additional fees be not paid within the period originally fixed and in respect of which fees have been paid, the attachment shall cease in the expiry of that period.

(3) The fees prescribed by this rule shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of court-fee stamps affixed to the petition in addition to the stamps necessary for its own validity.

15. **Maintenance and custody of livestock under attachment.**

(1) Notwithstanding anything contained in rule 13, the Attaching Officer may, with the approval of Certificate Officer, entrust, subject to his right of supervision, any livestock seized in the custody of the Certificate-debtor on his giving a receipt and executing a bond in Form No. 8 subject to the conditions specified hereunder :

- (a) he shall not sell, give way, transfer, mortgage or otherwise alienate or encumber the attached livestock;
- (b) he shall take the responsibility of feeding and tending the attached livestock kept in his custody;
- (c) he shall intimate forthwith to the Certificate Officer concerned any permanent injury, casualty or loss in respect of any livestock kept in his custody, specifying the cause thereof. If the Certificate Officer is satisfied on enquiry that the permanent injury, casualty, or loss was on account of negligence or carelessness of the Certificate-debtor, the latter shall be liable to indemnify the damage or loss, as the case may be;
- (d) he shall, on receipt of intimation from the Certificate Officer, produce before the latter or any other entrusted with the sale at his own cost on the date and place fixed for the sale, the attached livestock kept in his custody.

(2) In the event of the Certificate-debtor expressing his unwillingness or inability to keep the attached livestock in his custody, the Attaching Officer may, with the approval of the Certificate Officer, entrust the attached livestock to any other fit person in the locality under his own supervision. The Certificate Officer may fix the remuneration to be allowed to such person, after taking into account the local circumstances and the charges with such person may have to incur for the maintenance and custody of such livestock.

(3) If no fit person in the locality is available for keeping custody of the attached livestock, the Attaching Officer shall call upon the Certificate-holder either to pay for feeding it on the spot or for the expenses attending its removal to the office of the Certificate Officer. If the Certificate-holder fails to provide for both, the Officer shall report the matter without delay to the Certificate Officer.

(4) When the attached livestock is brought to the office of the Certificate Officer, the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said livestock shall be responsible for the safe custody and proper feeding of it so long as the attachment continues.

(5) If there is a legally constituted pound in or near the office of the Certificate Officer, the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said livestock shall be at liberty to place in it such attached livestock as can properly be kept there in which case the pound keeper shall be responsible for the property to the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said livestock and shall receive the same rates for the accommodation and maintenance thereof as are paid in respect of impounded cattle of the same description.

16. **Attachment or agricultural produce.**

(1) Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment -

- (a) Where such produce is a growing crop on the land on which such crop has grown; or
- (b) Where such produce has been cut or gathered on the threshing floor or place of treading out grain or the like, or fodder stack, on or in which it is deposited;

and another copy on the outer door or on some other conspicuous part of the house in which the Certificate debtor ordinarily resides, or, with the leave of the Certificate Officer on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain, or in which he is known to have last resided or carried on business or personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Certified Officer.

17. **Provisional as to agricultural produce under attachment.**

(1) Where the agricultural produce is attached, the Certificate Officer shall make such arrangements for the custody thereof as he may deem sufficient, and when the produce is a growing crop, shall have regard to the time at which it is likely to be fit to be cut or gathered.

(2) Subject to such conditions as may be imposed by the Certificate Officer in this behalf either in the order of attachment or in any subsequent order, the certificate debtor may tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it; and if the certificate debtor fails to do all or any of such acts, the certificate holder may, with the permission of the certificate officer and subject to the like conditions, do all or any of them either by himself or by any person appointed by him in this behalf, and the costs incurred by the Certificate-holder shall be recoverable from the Certificate-debtor as if they were included in the certificates.

(3) Agricultural produce attached as a growing crop shall not be deemed to have ceased to be under attachment or to require re-attachment merely because it has been severed from the soil.

(4) Where an order for the attachment of a growing crop has been made at a considerable time before the crop is likely to be fit to cut or gathered, the Certificate Officer may suspend the

execution of the order for such time as he think fit and may, in his discretion, make a further order prohibiting the removal of the crop pending the execution of the order of attachment.

(5) A growing crop which from its nature does not admit of being stored shall not be attached under these rules at any time less than twenty days before the time at which it is likely to be fit to be cut or gathered.

18. **Attachment of debt, share and other movable property not in possession of a Certificate debtor.**

(1) In the case of —

- (a) a debt not secured by a negotiable instrument;
- (b) a share in the capital of a corporation;
- (c) other movable property not in the possession of the Certificate-debtor, except property deposited in, or in the custody of any Court,

the attachment shall be made by a written order in Forms No. 9,10 and 11 prohibiting, —

- (i) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof until further order of the Certificate Officer;
- (ii) in the case of the share, —
the person in whose name the share may be standing from transferring the same or receiving any dividend thereon;
- (iii) in the case of other movable property except as aforesaid, the person in possession of the same from giving it over to the Certificate Officer.

(2) A copy of such order shall be affixed on some conspicuous part of the Office of the Certificate Officer, and other copy shall be sent, in the case of the debt to the debtor, in the case of the share to the proper Officer of the Corporation and, in the case of the other movable property except as aforesaid, to the person in possession of the same.

(3) A debtor prohibited under sub-clause (i) of clause (c) sub-rule (1) may pay the amount of his debt to the Certificate Officer, and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

19. **Attachment of share in movables.**

Where the property to be attached consists of the share or interest of the Certificate debtor in movable property belonging to him and other as co-owners, the attachment shall be made by a notice to the Certificate-debtor in Form No. 12 prohibiting him from transferring the share or interest or changing it in any way.

20. **Attachment of salary or allowances of Public Officer or servant of Railway company or local authority.**

(1) Where the property to be attached is the salary or allowances of a Public Officer or of a servant of a Railway Company or local authority, the Certificate Officer, whether the Certificate debtor or the Disbursing Officer is or is not within the local limits of the Certificate Officer's jurisdiction, may order in Form No. 13 that the amount shall be withheld from such salary or allowances, either in one payment or by monthly instalments as the Certificate Officer may direct; and upon notice of the order to such officer as the State Government may, by notification, appoint in his behalf the officer or other person whose duty it is to disburse such salary or allowances shall withhold or remit to the Certificate Officer the amount due under the order, or the monthly instalments, as the case may be.

(2) Where the attachable proportion of such salary or allowance is already being withheld and remitted to a Certificate Officer or to a Civil Court in pursuance of a previous and unsatisfied order of attachment, the Officer appointed by the State Government in this behalf shall forthwith return the subsequent order to the Certificate Officer issuing it, with a full statement of all the particulars of the existing attachment.

(3) Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (2) shall, without further notice or other process, bind the Government or the Railway Company or local authority, as the case may be; and the Government or the Railway Company or local authority, as the case may be, shall be liable for any sum paid in contravention of this rule.

21. **Attachment of negotiable instrument.**

Where the property is a negotiable instrument not deposited in a Court nor in the custody of a Public Officer, the attachment shall be made by actual seizure and the instrument shall be brought before the Certificate Officer and held subject to his order in Form No. 14.

22. **Attachment of property in custody of Court or Public Officer.**

Where the property to be attached is in the custody of any Court or Public Officer, the attachment shall be made by a notice in Form No. 15 to such Court or Officer, requesting that such property, and any interest or dividend becoming payable thereon may be held subject to the further orders of the Certificate Officer by whom the notice is issued :

Provided that where such property is in the custody of a Court, any question of title or priority arising between the certificate-holder and any other person not being the certificate debtor claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such Court.

23. **Attachment of decree.**

(1) Where the property to be attached is a decree, either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made by the issue to the Civil Court of a notice in Form No. 16 requesting the Civil Court to stay the execution of the decree unless and until —

- (a) the Certificate Officer cancels the notice, or

- (b) the Certificate-holder or the Certificate-debtor applies to the Court receiving such notice to execute the decree.

(2) Where the Civil Court receives an application under clause (b) of sub-rule (1), it shall, on the application of the Certificate-holder of the Certificate debtor and subject to the provisions of the Code of Civil Procedure, 1908 (Central Act. No.5 of 1908), proceed to execute the attached decree and apply the net proceeds in satisfaction of the Certificate.

(3) The Certificate-holder shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner for the holder thereof.

24. Removal of attached property other than livestock to the Certificate Officer.

If no suitable place can be found in the Village for the safe custody of the attached property other than the livestock, the Attaching Officer shall remove the property to the Office of the Certificate Officer at the Certificate-holder's expense. In the event of the Certificate-holder failing to provide the necessary funds, the attachment shall be withdrawn.

25. Debtor's consent to sale of property under attachment.

If the debtor gives his consent in writing to the sale of the property without awaiting the expiry of the prescribed term, the officer shall receive and forward the writing without delay to the Certificate Officer for orders.

26. Custody of property under attachment at the Certificate office or under the supervision of the Nazir or any other officer as directed by the Certificate Officer.

When the property is removed to the office of the Certificate Officer, it shall be kept by the Nazir or any other Officer as directed by the Certificate Officer on the sole responsibility of the former in such place as may be approved by the Certificate Officer. If the property cannot, from its nature or bulk, be conveniently kept in the office premises, or in the personal custody of the Nazir or any other officer directed by the Certificate Officer to keep custody of the attached property, he may, subject to approval by the Certificate Officer, make such arrangements for its safe custody under his own supervision as may be most convenient and economical and the Certificate Officer may fix the remuneration to be allowed to any person, not being an officer subordinate to the Certificate Officer, in whose custody the property is kept.

27. Custody of attached cash, securities etc.

Notwithstanding anything contained in rules 24, 25 and 26, in the event of attachment of cash, Government or other securities, bullion, jewellery or other valuables, the Certificate Officer may send them for safe custody to the nearest Government's treasury.

28. Claim of any person other than the Certificate-debtor to property under attachment.

When property remains at the place where it is attached in the custody of the Attaching Officer, and any person other than the Certificate-debtor claims the same, or any part of it, the Officer shall

nevertheless, unless the Certificate holder desires to withdraw the attachment of property so claimed, remain possession and shall direct the claimant to prefer his claim to the Certificate Officer.

29. **Withdraw of Attachment.**

(1) If the Certificate-holder withdraws an attachment or if it be withdrawn under rule 23, the Attaching Officer shall inform the Certificate-debtor, or, in his absence, an adult member of his family that the property is at his disposal. In the absence of any person to take charge of it, or in case the Officer shall have had notice of claim by a person other than the Certificate Officer shall, if the property has been moved from the premises in which it was seized, replace it where it was found at the time of seizure.

(2) The expenses of maintenance and custody of livestock as provided in rule 15 and the remuneration payable to the person entrusted with the custody of the attached livestock shall, on being called upon by the Certificate Officer, be paid by the Certificate-holder. If the Certificate-holder fails to deposit the same, the Certificate Officer may withdraw the attachment.

30. **Attachment of immovable property.**

Where the property is immovable, a copy of the warrant of attachment shall be served in Form No.5 on the Certificate-debtor.

31. **Proclamation of attachment.**

(1) The order of attachment shall be proclaimed at some place on or adjacent to such property by announcement through loudspeaker. A copy of the order shall be affixed on a conspicuous part of the property and on the notice board of the Certificate Officer. Where the property is land paying revenue to the Government, a copy of the order shall be similarly affixed in the office of the Assistant Settlement Officer of the District in which the land is situated. Where the property is situated within cantonment limits, the order shall be similarly affixed in the office of the Local Cantonment Board and the Military Estate Officer concerned, and where the property is situated within the limits of the municipality, in the office of the Municipal Board or Council within the limits of which the property is situated.

(2) The order of attachment shall be deemed to have been made as against transferees without consideration from the Certificate debtor, from the date of the order of attachment and as against all other person from the date on which they had knowledge of the order respectively or the date on which the order was duly proclaimed under sub-rule (1) whichever is earlier.

(3) Where immovable property is attached, the attachment shall relate back to take effect from the date on which the notice under section 6 or the notice of attachment under section 6 or the notice of attachment under rule 30 was served on the Certificate-debtor, whichever is earlier.

32. **Removal of attachment on satisfaction or cancellation of certificate.**

Where —

- (a) the amount due with costs and all the charges and expenses resulting from the attachment of any property are paid to to the Certificate Officer; or
- (b) the Certificate is cancelled;

the attachment shall be deemed to have been withdrawn and if the Certificate Officer so desire, he shall proclaim the withdrawal at his expense and a copy of the proclamation shall be affixed in the manner prescribed in sub-rule (1) of rule 36.

33. Power to order sale of attached property.

Any Certificate Officer executing a Certificate may order that any property liable to sale or such portion thereof as may deem necessary to satisfy the Certificate shall be sold in Form No.17.

34. Sale to be taken up by public auction.

(1) Sale of attached property shall be taken up by public auction to the highest bidder and shall be subject to confirmation by the Certificate Officer.

(2) Where movable property is sold by public auction, the price of each lot shall be paid at the time of sale or as soon after as the officer or other person holding the sale directs, and in default of payment, the property shall be resold forthwith.

(3) On payment of the purchase-money, the officer or other person holding the sale shall become absolute.

(4) Where the movable property to be sold is a share in goods belonging to the Certificate debtor and a co-owner and two or more than two persons, of whom one is such a co-owner respectively, bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.

35. Proclamation of sale by public auction.

(1) Where any of the immovable property is ordered to be sold by public auction, the Certificate Officer shall cause a proclamation of the intended sale to be made in the language of the Courts of the district.

(2) Such proclamation shall be drawn up after notice in Form No.18 is given to the Certified-debtor and shall state the time and place of sale in Form No.19 and shall specify as fairly and accurately as possible —

- (a) the property to be sold;
- (b) where the property to be sold is an interest in land parcel or in part of land parcel interest in land parcel or in part of land parcel paying revenue assessed upon the land parcel or part of the land parcel;
- (c) the amount for the recovery of which the sale is ordered; and
- (d) every other thing which the Certificate Officer considers it material for a purchaser to know in order to judge of the nature and value of the property.

(3) Where a lease or Pass or Periodic Patta for house site and agricultural land holding is situated in an area under the Mizoram Land-holding and Settlement Act, 2000 is in force is to be sold in execution of a Certificate for arrears of land revenue due in respect thereof, the said proclamation shall also state that the tenure of holding will first be put up to auction subject to

registered and notified encumbrances and will be sold subject to those encumbrances if the sum bid is sufficient to liquidate the amount specified in the Certificate and costs; and that otherwise it will, if the Certificate-holder so desires, be sold on a subsequent day of which due notice will be given, with power to annul all encumbrances.

(4) Where a permit for land holding for the preparation of industry, commercial tree plantation for the preparation of industry, commercial tree plantation and such other purposes than house sites or agricultural land is granted under the Mizoram Landholding and Settlement Act., 2000 is in force arrears of land revenue due in respect thereof, the said proclamation shall also state that the holding will be sold with power to annul all encumbrances.

(5) Where the Certificate holder is a co-sharer landlord and the Certificate is for his share of the rent only, the provisions of sub-rules (3) and (4) shall not apply.

(6) For the purpose of ascertaining the matters to be specified in the proclamation, the Certificate Officer may summon any person whom he thinks necessary to summon and may examine him in respect to any such matters and require him to produce any document in his possession or power relating thereto.

36. **Mode of making proclamation.**

(1) Every proclamation for the sale of immovable property shall be made at some place on or near such property through loudspeaker and a copy of the proclamation shall be affixed on a conspicuous part of the office of the Certificate Officer. A copy of the proclamation shall also be sent to the Certificate-debtor or if there be more than one Certificate-debtor, to such one or more than one of them as the Certificate Officer may select in this behalf.

(2) Where the Certificate Officer so directs, such proclamation shall also be published in the Official gazette or in two or more than two local newspapers and the costs of such publication shall be deemed to be the costs of the sale.

(3) Where property is divided into lots for the purpose of being sold separately, it shall not be necessary to make a separate proclamation for each lot, unless proper notice of the sale cannot, in the opinion of the Certificate Officer, otherwise be given.

37. **Authority to bid.**

All person bidding at the sale be required to declare if they are bidding on their own behalf or on behalf of their principles. In the latter case, they shall be required to deposit their authority and on default, they shall be debarred from participation in the bid.

38. **Time of sale.**

(1) Save in the case of property of the kind described in the proviso to sub-rule (5) or rule 13, no sale hereunder shall without the consent in writing of the Certificate debtor, take place until after the expiration of at least thirty days in the case of immovable property or of at least fifteen days in the case of movable property calculated from the date on which a copy of sale proclamation has been affixed in a conspicuous part of the office of the Certificate Officer.

(2) No sale of attached property under these rules shall take place on Sunday or any other holiday notified or proclaimed by the State Government.

39. **Reserve prices.**

It shall be competent for the Certificate Officer to fix a reserve price in respect of any property other than agricultural produce, to be sold and order that any bid shall be accepted only on condition that it is not less than the said reserve price.

40. **Deposit of the sale money with the Certificate Officer.**

In the event of any person other than the Certificate Officer conducting the sale, such a person or persons shall deposit forthwith the entire amount received by him or by them as the case may be, from the purchaser of the property with the Certificate Officer and shall submit a report of the sale to the Certificate Officer.

41. **Adjournment or stoppage of sale.**

(1) The Certificate Officer may, in his discretion adjourn any sale hereunder to a specified day and hour and the officer conducting any such sale may in his discretion adjourn the sale, recording the reasons for his adjournment:

Provided that where the sale is made in or within the precincts of the office of the Certificate Officer, no such adjournment shall be made without the leave of the Certificate Officer.

(2) Where a sale is adjourned under sub-rule (1), for a longer period than seven days, a fresh proclamation under sub-rule (1) of rule 36 shall be made, unless the certificate-debtor consents to waive it.

(3) Every sale shall be stopped if, before the lot is knocked down, the debt and costs including the costs of the sale are tendered to the Officer conducting the sale or proof is given to his satisfaction that the amount of such debt and costs has been paid to the Certificate Officer who ordered the sale.

42. **Defaulting purchaser answerable for loss on resale.**

Any deficiency of price which may happen on a resale by reason of the purchaser's default, and all the expenses attending such resale shall be certified in Form No. 20 to the Certificate Officer by the officer or other person holding the sale and shall, at the instance of either the Certificate-holder or the Certificate-debtor, be recoverable from the defaulting purchaser under the procedure provided by the Act.

43. **Restriction on bidding or purchase by officers.**

(1) No officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

(2) Nothing in sub-rule (1) shall be construed so as to preclude the State Government from purchasing any property at any such sale through their officers other than those referred to in sub-rule (1) duly authorised in that behalf.

44. **Sale of agricultural produce.**

- (1) Where the property to be sold is agricultural produce the sale shall be held -
- (a) if such produce is a growing crop, - on or near the land on which such crop has grown, or
 - (b) if such produce has been cut or gathered- at or near the threshing floor or place for treading out grain or the like or fodder stock, on or in which it is deposited:

Provided that the Certificate officer may direct the sale to be held at the nearest place of public resort if he is of the opinion that the produce is thereby likely to all to greater advantage.

- (2) Where on the produce being put up for sale, -
- (a) a fair price, in the estimation of the person holding the sale is not offered for it; and
 - (b) the owner of the produce, or a person authorised to act in his behalf applies to have the sale post-poned till the next day or, if a market is held at the place of sale, the next market day;

the sale shall be postponed accordingly and shall be then completed, whatever price may be offered for the produce.

45. **Special provisions relating to growing crops.**

(1) Where the property to be sold is a growing crop, and the crop from its nature admits of being stored, but has not yet been stored, the day of the sale shall be so fixed as to admit of the crop being made ready for storing before the arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing.

(2) When the crop from its nature does not admit of being stored, it may be sold before it is cut and gathered; and the purchaser shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting or gathering the crop.

46. **Irregularity not to vitiate sale but any person injured may sue.**

No irregularity in publishing or conducting the sale or moveable property shall vitiate the sale; but any person sustaining substantial injury by reason of such irregularity at the hand of any other person may institute a suit in a Civil Court against him for compensation or if such other person is the purchaser, for the recovery of the specific property and for compensation in default of such recovery.

47. **Delivery of movable property, debts and shares.**

(1) Where the property sold is movable property of which actual seizure has been made, it shall be delivered to the purchaser.

(2) Where the property sold is movable property in the possession of some person other than the Certificate debtor, the delivery thereof to the purchaser shall be made by giving notice to the person in possession, prohibiting him from delivering possession of the property to any person except the purchaser.

(3) Where the property sold is a debt not secured by a negotiable instrument or is a share in a corporation, the delivery thereof shall be made by a written order of the Certificate Officer prohibiting the credit from receiving the debt or any interest thereon, and the debtor from, making payment thereof to any person except the purchaser or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser or receiving payment of any dividend or interest thereon, and the manager, Secretary or other proper officer of the Corporation from permitting any such transfer or making any such payment to any person except the purchaser.

48. Transfer of negotiable instrument and share.

(1) Where the execution of a document, or the endorsement of the party in whose name a negotiable instrument or a share in a Corporation is standing, is required to transfer such negotiable instrument or share, the Deputy Commissioner or such officer as he may appoint in this behalf may execute such document or make such endorsement as may be necessary, and such execution or endorsement shall have the same effect as an execution or endorsement by the party.

(2) Such execution or endorsement may be in the following form, namely :-

"A.B. by C.D. Deputy Commissioner of the District in a proceeding under Mizoram Public Demands Recovery Act, 2001 against A.B."

(3) Until the transfer of such negotiable instrument or share, the Certificate Officer may, by order, appoint some person to receive any interest or dividend due thereon, and to sign a receipt for the same; and any receipt so signed shall be as valid and effect for all purpose as if the same has been signed by the party himself.

49. Vesting order in case of other property.

In the case of any movable property not herein before provided for, the Certificate Officer may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

50. Postponement of sale to enable Certificate-debtor to raise amount due under certificate.

(1) When an order for the sale of immovable property has been made, if the Certificate-debtor can satisfy the Certificate Officer that there is reason to believe that the amount of the Certificate may be raised by the mortgage or lease or private sale of such property or some part thereof, or of any other immovable property of the Certificate debtor, the Certificate Officer may, on his application, postpone the sale of the property comprised in the order for sale, on such terms and for such period as he thinks proper, to enable him to raise the amount.

(2) In such case the Certificate Officer shall grant a certificate to the Certificate-debtor, authorising him, within a period to be mentioned therein, and notwithstanding anything contained in section 7 or section 16 to make the proposed mortgage, lease or sale :

Provided that all moneys payable under such mortgage, lease or sale shall be paid, not to the Certificate-debtor, but to the Certificate Officer;

Provided further that no mortgage, lease or sale under this rule shall become absolute until it has been confirmed by the Certificate Officer.

51. **Deposit by purchaser and resale in default.**

On every sale of immovable property, the person declared to be the purchaser shall pay, immediately after such declaration, a deposit of twenty five per cent on the amount of his purchase money to the officer or other person conducting the sale, and in default of such deposit, the property shall be resold forthwith.

52. **Time for payment of purchase money in full.**

The full amount of purchase money payable shall be paid by the purchaser to the Certificate Officer on or before the fifteenth day from the sale of the property.

53. **Procedure in default of payment.**

In default of payment within the period mentioned in rule 52, the deposit may, if the Certificate Officer thinks fit, after defraying the expenses of the sale, be forfeited to the Government and the property be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

54. **Notification on resale.**

Every resale of immovable property in default of payment of the purchase money within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period herein before prescribed for the sale.

55. **Bid of co-sharer to have preference.**

Where the property sold is a share of undivided immovable property and two or more persons, of whom one is a co-sharer respectively bid the same sum for such property or for any lot, the bid shall be deemed to be the bid of the co-sharer.

56. **Return of Purchase money in certain cases.**

Where a sale of immovable property is set aside, any money paid or deposited by the purchaser on account of the purchase, and such interest as the Certificate Officer may allow, shall be paid to the purchaser.

57. **Certificate to purchaser.**

(1) Where a sale of immovable property has become absolute, the Certificate Officer shall grant a Certificate in Form No. 21 specifying the property sold and the name of the person who at the time of sale is declared to be the purchaser.

(2) Such Certificate shall bear date of the day on which the sale become absolute.

58. **Delivery of property in occupancy of Certificate-debtor.**

Where the immovable property sold is in the occupancy of the Certificate-debtor, or of some person on his behalf, or of some person claiming under a title created by the Certificate-debtor subsequently to the service of the notice issued under section 6 and a Certificate in respect thereof has been granted under rule 45, the Certificate Officer shall, on the application of the purchaser, order in Form No. 22 delivery to be made by putting such purchaser or any person whom he may appoint to receive delivery on his behalf, in possession of the property, and if needed by removing any person who refuses to vacate the same.

59. **Delivery of property in occupancy of tenant or other person.**

Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a Certificate in respect thereof has been granted under rule 45, the Certificate Officer shall, on the application of the purchaser, order delivery to be made by affixing a copy of the Certificate of sale in some conspicuous place on the property and proclaiming to the occupant by announcing through loudspeaker at some convenient place that the interest of the certificate debtor has been transferred to the purchaser.

60. **Subsistence allowance.**

(1) When a certificate has been signed either in accordance with the provision of section 3, or on a requisition made under section 5, no Certificate-debtor shall be arrested in execution of the Certificate unless and until the Certificate-holder pays into Court such sum as the Certificate officer thinks sufficient for the subsistence of the Certificate debtor from the time of his arrest until he can be brought before the Certificate Officer.

(2) When a Certificate-debtor is committed to the Civil prison in execution of a Certificate, the Certificate Officer shall fix for his subsistence such monthly allowance as he may be entitled to according to the scale fixed by the State Government for the subsistence of arrested judgement-debtors or where no such scale has been fixed, as the Certificate Officer considers sufficient with reference to the class to which the Certificate-debtor belongs.

(3) The monthly allowance fixed by the Certificate Officer shall be supplied by the person upon whose requisition the Certificate was signed, by monthly payments in advance before the first day each month.

(4) The first payment shall be made to the Certificate Officer for such portion of the current month as remains unexpired before the Certificate-debtor is committed to the Civil prison; and the subsequent payments, if any, shall be made to the Officer-in-charge of the Civil prison.

(5) Sums disbursed by the Certificate-holder for the subsistence of the Certificate-debtor in the Civil prison shall be deemed to be costs in the proceedings:

Provided that the Certificate-debtor shall not be detained in the Civil prison or arrested on account of any sum so disbursed.

61. **Register of Certificates.**

(1) Every Certificate Officer shall cause to be kept in his office a register of Certificate in Form No. 23 filed in his office under the Act and shall cause particulars of all such Certificates to be entered in such register.

(2) Such register shall be opened during office hours for not less than two hours daily and at such time as may be fixed by the Deputy Commissioner, for inspection by any person who desires to inspect the same; and a fee of one rupee shall be chargeable for every such inspection.

62. **Payment by instalments.**

(1) Payment of the amount due under any Certificate may be made by instalments, if the Certificate Officer in whose office the Certificate is filed so directs.

(2) The payment of every such instalment shall be entered in the register referred to in rule 49.

63. **Remittance to Certificate Officer of sums received under a certificate transferred for execution.**

When a copy of a Certificate has been sent to another officer under sub-section (1) of section 11, all sums received by such officer under such certificate shall be remitted by him to the Certificate Officer in whose office the Original Certificate is filed.

64. **Entry of satisfaction.**

When the whole or any portion of the amount due under certificate has been realised, the Certificate Officer in whose office the original Certificate is filed shall cause on entry of the fact to be made upon the Certificate and in the register referred to in rule 49.

65. **Communication of satisfaction to other persons.**

When a copy of a Certificate has been sent to another officer under sub-section (1) of section 11, or when a Certificate has been signed upon a requisition, any satisfaction of the Certificate, whether in whole or in part, shall be certified to such officer, or to the sender of such requisition as the case may be.

66. **Registration of sale of immovable property.**

Every Certificate officer granting a Certificate of sale to the purchaser of immovable property sold in execution of a certificate shall send a copy of such certificate to the concerned District Registrar under the Indian Registration Act, 1908 within the local limits of whose jurisdiction the whole or any part of the immovables property comprised in the certificate is situate.

67. **Application for registration of the name etc. of the person interested in respect of immovable property likely to be sold.**

(1) Any person who is interested in respect of any immovable property likely to be sold in

execution of a certificate may apply to such Certificate Officer as he considers necessary for registration on payment of a fee of one hundred rupees or as prescribed by Government from time to time of his name and addresses and the immovable property in which he is interested for the purposes of receiving intimation from the Certificate Officer about the intended sale of such property.

(2) Separate application shall be made and separate fee shall be payable for registration of immovable property lying in each administrative or revenue sub-division.

(3) Where the headquarters of the Certificate officer to whom application is made under sub-rule (1) is situate at a place having a nationalised bank, the fee shall be deposited into such nationalised bank through treasury challan and the application for registration shall be accompanied by a copy of the challan in which the fee has been deposited.

(4) The application for registration shall specify the name and full address of the person whose name is sought to be registered, the detailed particulars of the immovable property which he is interested, the amount of fees and penalty, if any deposited for the purpose of registration and if the application is for renewal of registration, along with the registration number given earlier.

(5) If the Certificate Officer is satisfied on scrutiny of the application that it is complete in all respects, he shall order registration of the name and address of the applicant in a register in Form No. 24 and keep a note in the register of detailed particulars of the immovable property in respect of which the registration is made.

(6) The applicant shall be intimated in writing his registration number.

(7) The registration shall take effect from the date of order under sub-rule (6) and shall expire on the 31st day of March next following. The same procedure shall be followed for renewal of registration also.

68. Intimation of intended sale to the interested person.

(1) If any of the registered immovable property is notified for sale by the Certificate Officer in whose office the property has been registered, he shall immediately on the making of proclamation for sale under rule 35, give intimation in Form No. 25 to the person interested in the said property whose name appears in the register in Form No. 24.

(2) The intimation shall be sent by registered post with acknowledgement due.

69. Scale of process fees.

The fees for service and execution of process under these rules shall be charged in accordance with the scales as are laid down in the Court Fees (Mizoram Amendment) Act, 1996.

70. Levy of poundage fees.

(1) Poundage fee shall be leviable in Court fee stamps in cases of sale of movable or immovable property under these rules at the rate of five percent on the gross amount realised by the sale upto Rs. 10,000/- and at the rate of three per cent on all excess of the gross proceeds beyond Rs. 10,000/-:

Provided that where a sale of immovable property is set aside under sub-section (3) of section 23, any poundage or other fee charged for selling the property shall, on application, be refunded.

(2) The proceeds of a sale effected in execution of any Certificate may be paid out of Court only on an application made for that purpose in writing and the poundage fees for selling the property shall be paid by Court Fee stamps affixed to the first of such applications, whether it be or be not made by the person who obtained an order for sale or whether it does or it does not extend to the whole of the proceeds. No such fees shall be chargeable upon any such application subsequent to the first.

(3) In cases in which the Certificate holder applies for leave to purchase under sub-rule (1) of rule 43, no order to set off the purchase money against the amount of certificate shall be made upon a petition presented after the property has been knocked down to the certificate holder at the auction sale such petition shall be stamped with Court fee stamps of the value of the poundage due for selling the property.

71. Addition of costs etc. to certificate and payment by certificate-holder of purchase-money in excess of the amount of certificate.

Upon the hearing of the petition referred to in sub-rule (3) of rule 70, the costs of execution, including the amount of the stamps attached to the petition, shall be ascertained and shall be added to the certificate; and in cases in which the amount of the purchase money exceeds the amount of the certificate and of such costs, the Certificate-holder who has so purchased the property shall pay to the Certificate Officer the sum of twenty five per cent upon the balance of the purchase money after deducting the amount of the certificate and of such costs, and shall pay the balance on or before the fifteenth day from the sale of the property.

72. Cost of certificate establishment.

The costs that shall be awarded on all certificates filed under section 3 and those instituted on requisitions for recovery of publish demands under section 4 towards the recovery of cost the Certificate establishment shall be subject to the following limitations. The said cost shall not exceed the ad valorem fee payable under the Court Fee (Mizoram Amendment) Act, 1996 in respect of the amount claimed and shall not be less than the graded scale of amounts shown in the Table here below. These amounts shall be added to the costs of the Certificate and recovered in cash from the Certificate - debtors.

Table

Amount of demand recoverable	Amount of cost.
Demands not exceeding Rs. 1000	Rs. 10.00
Demands exceeding Rs. 1000 but not exceeding Rs. 5000	Rs. 20.00
Demands exceeding Rs. 5000 but not exceeding Rs. 20,000	Rs. 40.00
Demands exceeding Rs. 20,000 but not exceeding Rs. 50,000	Rs. 60.00
Demands exceeding Rs. 50,000	Rs. 100.00

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 1
(See sub-rule (1) of rule 3)

CERTIFICATE OF PUBLIC DEMANDS

(to be filled in the Office of the Certificate Officer of

_____ (Name of the District)

No. of Certificate	Name & address of the Certificate-holder	Name and address of the Certificate-debtor	Amount of public demands including interests if any, for which this certificate is signed and period for which such demand is due	Further particulars of the public demand for which the certificate is signed
1	2	3	4	5

I hereby certify that the above mentioned sum of Rs. _____ is due to the above named _____ from _____ the above named _____

If the Certificate is signed on requisition and sent under section 5, add

I further certify that the above-mentioned sum of Rs. _____ is justly recoverable and that its recovery by suit is not barred by law.

Dated this _____ day of _____ 20 _____

Signature of Certificate Officer.

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 2
(See sub-rule (2) of rule 3)

REQUISITION OF A CERTIFICATE

(To the Certificate Officer of _____ District)

No. of Certificate debtor	Address of Certificate debtor	Amount of public demand for which this requisition is made	Name of the public demand and for which the requisition is made.
1	2	3	4

I request you to recover the above mentioned sum of Rs. _____ which I am satisfied after inquiry is due from the said _____ in respect of _____

Verified by me on the _____ day of _____ 20____

Signature

(Official Designation)

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 3

(See sub-rule (1) of rule 5)

NOTICE TO A CERTIFICATE DEBTOR

To,

(Name and address of the Certificate debtor)

You are hereby informed that a Certificate against you for Rs. _____ due from you on account of _____ has this day been filled in my office under section _____ of the Mizoram Public Demands Recovery Act, 2001. If you deny your liability to pay the said sum of Rs. _____, you may, within thirty days from the service of this notice, file in my office a petition denying liability in whole or in part, on one or more of the grounds specified below :

- (a) the Certificate dues have been paid fully or partly ;
- (b) the person on whom such notice has been served is not the person named as Certificate-debtor in the Certificate ;
- (c) a certificate-debtor in respect of dues other than those in relation to which the liability under any law for the time being in force is not open to question in a Civil Court, may also deny his liability on any other ground.

If within the said thirty days, you fail to file such a petition or if you fail to show cause or do not show sufficient cause, why such certificate should not be executed, it will be executed, under the provisions of the said Act, unless you pay Rs. _____ on account of the demand and Rs. _____ on account of costs of realisation into my office. Until the said amount is so paid, you are hereby prohibited from alienating or transferring your immovable property or any part of it, by sale, gift, mortgage or otherwise. If you, in the meantime conceal, remove or dispose of any part of your movable property, the certificate will be executed immediately.

A copy of the certificate mentioned above is hereto annexed.

You may remit the amount by money order, quoting the number and year of the certificate.

Dated this _____ day of _____ 20__

Signature of
Certificate Officer

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 4

(See sub-rule (1) of rule 10)

PETITION DENYING LIABILITY

To,

The Certificate Officer

_____ District

The humble petition of _____ (name of petitioner)
of _____ (address) sheweth -

That a Certificate No. _____ of _____ (year)
for the sum of Rs. _____ has been filed against your petitioner in your office under
section _____ of the Mizoram Public Demands Recovery Act, 2001.

That your petitioner respectfully denies his liability to pay the said sum of
Rs. _____ (or where the liability to pay part is admitted, denies his liability to any more than
Rs. _____). and this for the following reasons :

That the facts stated above true to the best of your petitioner's knowledge and belief.

Your petitioner, therefore respectfully prays that the said certificate may be set aside (or
modified or varied).

Signature of Petitioner

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 5

(See sub-rule (2) of rule 13)

WARRANT OF ATTACHMENT OF MOVABLE PROPERTY.

IN THE COURT OF _____ AT _____
CERTIFICATE CASE NO _____ OF 20____

To,

Whereas Certificate No. _____ dated _____ has been filed in this Court against _____ Certificate-debtor and the sum of Rs. _____ as noted below is due from him in respect of the said Certificate, and whereas the said sum of _____ has not been paid :

Principal	-	Rs. _____
Interest	-	Rs. _____
Costs and charges-	Rs.	_____
Further interests	-	Rs. _____

These are to command you to attach the movable property of the said _____ as set forth in the schedule hereto annexed, or which shall be pointed out to you by the said _____ and unless the said _____ shall pay you to the said sum of Rs. _____ the costs of this attachment to hold the same until further orders from this Court ;

You are further commanded to return this warrant on or before the _____ day of _____ 20____ with an endorsement certifying the day on which and manner in which it has been executed, or why it has not been executed.

Given under my hand and the seal of this Court, this _____ (Seal)
day of _____ 20____

Certificate Officer.

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 6
(See sub-rule (6) of rule 13)

INVENTORY OF ATTACH PROPERTY.

CERTIFICATE CASE No. _____ OF 20____

List of the movable property of _____ Certificate-debtor in the Village
of _____ under _____ Police Station, _____
District attached by _____ for arrears of public demand due from the aforesaid
certificate-debtor.

Sl. No.	Description of properties attached	Estimated value	Amount of certificate due	Date of attachment and of giving a copy of the inventory to the Certificate-debtor.	Place where attachment proper is lodged or kept	Remarks

Place _____
Date _____

Signature and designation
of Attacheing Officer

Memo No. _____ Date _____

Copy forwarded to the Certificate Officer for necessary action.

Signature and designation
of the Attaching Officer

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 7

(See sub-rule (7) of rule 13)

ORDER OF ATTACHMENT OF PROPERTY CONSISTING OF AN INTEREST
IN PARTNERSHIP PROPERTY.

IN THE COURT OF _____ AT _____

To,

Whereas _____ Certificate debtor _____ has not paid the dues amounting to Rs. _____ in respect of Certificate Case No. _____ year _____ and whereas the said _____ is a partner in the firm known as Messrs _____

It is hereby ordered _____

(a) that the share of the said _____ in the partnership property and profits of the said firm be and is hereby charged with the payment of the amount aforesaid due under the said certificate ; and

(b) that *

Given under my hand and seal of this Court, this _____ day of 20____

(Seal)

Certificate Officer

* Note - Here incorporate any order that may be considered necessary in the circumstances.

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 8

(See sub-rule (1) of rule 15)

BOND.

IN THE COURT OF _____ AT _____

Whereas live-stock as specified in the Scheduled hereto annexed has been attached in execution Certificate No. _____ year _____ for Rs. _____

And whereas the attached livestock aforementioned has been entrusted to me, subject to the right of supervision of the Certificate Officer for safe custody ;

I hereby agree and bind myself to abide by the conditions given hereunder for the due discharge of the entrustment.

Conditions.

(1) I will not sell, give away, transfer, mortgage or otherwise alienate or encumber the attached livestock.

(2) I will take the responsibility of feeding and tending the attached livestock kept in my custody.

(3) I will intimate forthwith to the Certificate Officer concerned any permanent injury, casualty or loss in respect of any livestock kept in my custody, specifying the cause thereof. If the Certificate Officer is satisfied on enquiry that the permanent injury, casualty or loss was on account of my negligence or careless I will be liable to indemnify the damage or loss, as the case may be.

(4) I will, on receipt of intimation from the Certificate Officer, produce before the latter or on any other officer entrusted with the sale, at my own cost, on the date and place fixed for the sale, the attached livestock kept in my custody.

(5) Failure on my part to fulfil any of the conditions mentioned above shall expose me to the penalties provided under section 46 of the Mizoram Public Demands Recovery Act. 2001.

SCHEDULE

Signature of two witnesses- _____

(1) _____ (Signature)

_____ (Full Name)

_____ (Date)

(2) _____ (Signature) _____ (Signature)

ture)

(_____ (Full Name) _____ (Full Name)

(_____ (Date) _____ (Date)

Before me

Date _____ (Signature)

(Seal) _____ (Full Name)

_____ (Designation)

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 9

(See sub-rule (1) of rule 18)

ATTACHMENT IN EXECUTION

Prohibitory order where the property consist of debts not being negotiable instruments or of movable property not in possession of the certificate debtor.

IN THE COURT OF _____ AT _____

To

Whereas _____ has failed to satisfy Certificate No. _____ of 20____ for Rs _____

it is ordered that the said Certificate-debtor be, and is hereby, prohibited and restrained until the further order of This Court, from receiving from you _____ to the said Certificate debtor _____ and that you, the said _____ be, and you are hereby prohibited and restrained until the further order of this Court from _____ to any person whomsoever or otherwise than into this Court.

Given under my hand and seal of This Court this _____ day of _____ 20____

Seal

Certificate Officer

_____ District

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 10

(See sub-rule (1) of rule18)

ATTACHMENT IN EXECUTION

Prohibitory order where the property consist of shares in the capital of a Corporation.

IN THE COURT OF _____ AT _____

_____ Certificate-debtor

and to _____ Secretary of the Corporation.

Whereas _____ has failed to satisfy

Certificate No. _____ of 20 _____ for Rs. _____

it is ordered that you, the Certificate-debtor be, and you are hereby prohibited and restrained until further orders of This Court, from making any transfer of shares in the aforesaid Corporation namely _____ of from receiving payment of any dividends thereon; and you _____ the Secretary _____ of the said Corporation, are hereby prohibited and restrained until further orders of This Court, from permitting any such transfer or making any such payment.

Given under my hand and seal of This Court

This _____ day of _____ 20 _____

Seal

Certificate Officer

_____ District

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004
FORM NO. 11
(Sec sub-rule (1) of rule18)
ATTACHMENT IN EXECUTION

Prohibitory order where the property to be attached consist of movable property, to which the Certificate-debtor is entitled subject to a lien or right of some other person to the immediate possession thereof.

IN THE COURT OF _____ AT _____

To

Whereas _____ has failed to satisfy Certificate No. _____ of 20 _____ for Rs. _____ it is ordered that the said Certificate-debtor be, and is hereby prohibited and restrained, until further orders of This Court, from receiving from _____ the following property in the possession of the said _____ that is to say _____ to which the Certificate-debtor is entitled, until further orders of This Court, from delivering the said property to any person or persons whomsoever.

Given under my hand and seal of This Court this _____ day of 20 _____

Seal

Certificate Officer
_____ District

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 12

(See rule 19)

NOTICE OF ATTACHMENT WHERE PROPERTY CONSIST OF A SHARE
OR INTEREST PROPERTY

IN THE COURT OF _____ AT _____

To

(the Certificate-debtor)

Whereas you have not paid the dues amounting to Rs. _____ payable by you in the
Certificate Case No. _____ of 20 _____

It is hereby ordered that you, the said _____
be and hereby prohibited and restrained, until further orders of This Court, from transferring or
changing in any way your share or interest in the movable property as set forth in the Schedule
hereto annexed belonging to you and _____ and _____ as co-owners.

Given under my hand and seal of this Court.

This _____ day of _____ 20 _____

Seal

Schedule

Certificate Officer

_____ District

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORMNO. 13

(See sub-rule (1) of rule 20)

ORDER TO ATTACH SALARY OF PUBLIC OFFICER OR SERVANT OF RAILWAY
COMPANY OR LOCAL AUTHORITY

IN THE COURT OF _____ AT _____

To

Whereas _____ Certificate-debtor in Certificate Case
No. _____ of 20 _____ is a* _____ receiving his salary and
allowances at your hands;

And whereas _____ Certificate -holder in the said Case has applied in
this Court for the attachment of the salary and allowances of the said _____
to the extent of _____ due to him under the Certificate, you are hereby required to
withhold the said sum _____ from the salary and allowances of the
said _____ in monthly instalments of and to remit the said sum/ monthly
instalments to this Court.

Given under my hand and seal of this Court this _____ day of _____
20__

Seal

Signature of Certificate Officer
_____ District

* Describe office of the Certificate-debtor

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004
FORM NO.14
(See rule 21)
ORDER OF ATTACHMENT OF NEGOTIABLE INSTRUMENT
IN THE COURT OF _____ AT _____

To

(Attaching Officer)

Whereas an order has been passed by this Court on the _____ day of _____
20__ for the attachment of _____

You are hereby directed to seize the said _____ and bring the same into this
Court.

Given under my hand and seal of this Court

This _____ day of _____ 20_____

Seal

Certificate Officer
_____ District

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO.15

(See rule 22)

ATTACHMENT

Prohibitory order, where the property consist of money or any security in the custody of a Court of justice or officer of the Government.

IN THE COURT OF _____ AT _____

Certificate Case No. _____ of 20 _____

To

Sir,

The Certificate-holder having applied under rule 22 of the Mizoram Public Demands Recovery Rules, 2004 for an attachment of certain money property belonging to _____ the Certificate-debtor in the above noted case now in your hands *.

I request that you will hold the said money/property subject to the further orders of this Court.

Yours faithfully,

Date at _____
the _____ day of _____ 20 _____

Certificate Officer
_____ District

*. Here state how the money is supposed to be in the hands of the person addressed, on what account, and other available details.

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004
FORM NO.16

(See sub-rule (1) of rule 23)

NOTICE OF ATTACHMENT OF A DECREE TO THE COURT WHICH PASSED IT
DISTRICT _____

IN THE COURT OF _____ AT _____

Certificate Case No. _____ of _____

_____ Certificate-holder.

Versus

_____ Certificate -debtor.

To

Sir,

This is to inform you that the decree obtained in your Court on the day of _____ 20____,
by _____ in suit No. _____ of _____ 20____ in which he _____ was _____
and _____ was _____.

And which is pending execution in your Court, in the execution Case No. _____ of
19____ has been attached by this Court in the Certificate Case specified above, you are therefore
requested to stay the execution of the decree of your Court until you receive an intimation from this
Court that the present notice has been cancelled, or until execution of the said decree is applied for
by the Certificate-holder or the Certificate-debtor named above.

Seal

Yours faithfully

Date this _____ day of _____ 20____

Certificate Officer

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO.17

(See rule 33)

WARRANT OF SALE PROPERTY

To

These are to command you to sell by auction after giving _____ days' previous notice by affixing the same in this office and after making due proclamation under rule 35, the under-mentioned property attached in execution of Certificate No. _____ in favour of _____, or so much of the said property as shall realise the sum of Rs. _____ being the _____ of the said Certificate and costs still remaining unsatisfied.

You are further commanded to return this warrant on or before the day _____ day of _____ 20____ with an endorsement certifying the manner in which it has been executed or the reason why it has not been executed.

Specification of the property.

Certificate Officer

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 18

(See sub-rule (2) of rule 35)

PROCLAMATION OF SALE

*. Certificate No. of
20 _____ under which is
the Certificate-holder
and is the Certificate-debtor.

Notice is hereby given that, under sub-rule(2)
of rules 35 of the Mizoram
Public Demands Recovery Rules, 2004 an
order has been passed by me
for the sale of the property mentioned in the
annexed Schedule, in satisfaction of the claim
of the certificate-holder under the certificate
mentioned in the margin* amounting with
costs and interest up to date of sale, to the
sum of _____

The sale will be by public auction and the property will be put up for sale in the lots specified in the Schedule. The sale will be of the property of the certificate-debtor above-named as mentioned in the Schedule below.

In the absence of any order of postponement, the sale will be held by _____ at the monthly sale commencing at _____ O'clock on the _____ at _____ in the event, however, of the debt above-specified and of the costs of the sale, being tendered or paid before the knocking down of any lot, the sale will be stopped.

At the sale the public generally are invited to bid, either personally or by duly authorised agent. The following are the further conditions of sale :

The particulars specified in the Schedule below have been stated to the best of the information of the Certificate Officer, but the Certificate Officer will not be answerable for any error, mis-statement or omission in this proclamation.

2. The amount by which the bidding are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid or as to the bidder, the lot shall at once be again put up to auction.

3. The highest bidder shall be declared to be the purchaser of any lot; provided always that he is legally qualified to bid; and provided that it shall be in the discretion of the officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.

4. For reasons recorded it shall be in the discretion of the officer conducting the sale to adjourn it, subject always to the provisions of rule 35 to the Mizoram Public Demands Recovery Rules, 2004.

5. In the case of movable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the same directs and in defaults of payment the property shall forthwith be again put up and re-sold.

6. In the case of immovable property the person declared to be the purchaser shall pay immediately after such declaration of a deposit of 25 per cent on the amount of his purchase money to the officer conducting the sale and in default of such deposit the property shall forthwith be put up again and re-sold.

7. The full amount of the purchase money shall be paid by the purchaser before the office of the Certificate-Officer closes on the fifteenth day after the sale of the property exclusive of such day or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.

8. In default of payment of the balance of purchase money within the period allowed the property shall be re-sold after the issue of a fresh notification of sale. The deposit after defraying the expense of the sale may if the Certificate Officer thinks fit be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may be subsequently sold.

Given under my hand and seal, this _____ day
of _____ 20_____

Certificate Officer.

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

SCHEDULE OF PROPERTY

No. of lot	Description of property to be sold with the name of each owner where there are more certificate-debtors than one.	The revenue assessed upon the land parcel or part of the land parcel, if the property to be sold is an interest in land parcel or a part of land parcel paying revenue to the Government	Claims (if any) which have been put forward to the property and any other known particulars bearing on its nature and value
1	2	3	4

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 19

(See sub-rule (2) of rule 35)

NOTICE OF THE DAY FIXED FOR SETTLING A SALE OF PROCLAMATION

To,

.....Certificate-debtor

Whereas in execution of Certificate No. _____ of _____, a sale is about to be held of your property mentioned below.

You are hereby informed that the _____ day of _____ 20 _____ has been fixed for settling the terms of the proclamation of sale.

The total amount due from you in respect of the Certificate including costs and interest is _____.

Given under my hand and seal of this Court This _____ day of _____ 20 _____.

Specification of the property :

Certificate Officer

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 20

(See rule 42)

CERTIFICATE BY OFFICER HOLDING A SALE OF
THE DEFICIENCY OF PRICE ON A RESALE OF
PROPERTY BY REASON OF THE PURCHASER'S DEFAULT

Certificate that the re-sale of the property in execution of Certificate No. _____ dated _____ 20____ in consequence of the default on the part of _____ purchaser, there was _____ deficiency in the price of the said property amounting to Rs. _____ and that the expenses attending such resale amounted to Rs. _____ and that the making a total of Rs. _____ which sum is recoverable from the defaulters.

Dated this _____ day of _____ 20_____.

Officer holding the sale.

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 21

(See rule 57)

CERTIFICATE OF SALE OF LAND

This is to certify that _____ has been declared that purchaser at a sale by public auction on the _____ day of _____ 20____, of _____ in the execution of Certificate No. _____ dated, the _____ 20____ and that the said sale has been duly confirmed by me.

Given under my hand and seal of this Court

This _____ day of _____ 20_____.

Certificate Officer

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 22

(See rule 58)

ORDER FOR DELIVERY TO CERTIFIED PURCHASER
OF LAND AT A SALE IN EXECUTION

To

The _____

Whereas _____ has become the certified purchaser of _____ at a sale in execution of Certificate No. _____ dated, the _____ 20____ you are hereby ordered to put the said _____ the certified purchaser as aforesaid into possession of the same.

Given under my hand and seal of this Court

This _____ day of _____ 20_____.

Certificate Officer.

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 23

(See rule 61)

REGISTER OF CERTIFICATES

Serial No. of the year.	Name and address of the Certificate debtor	Nature of claim	Amount of claim	Date of filing certificate	Section of the Act under which Certificate is made	Petitions under section 8		
						Date of receipt	Date of hearing by Certificate Officer or submission to Requiring Officer	Date of disposal or return
1	2	3	4	5	6	7(a)	7(b)	7(c)

Amount of claim decreed on objection with costs, if any	Amount of claim with costs, if any under order of Appellate Court	Notice under section 6		Realisations			Entry of satisfaction by Certificate Officer	Remarks
		Date of Issue	Kind of Process whether notice under section 6, or warrant of attachment etc.	Amount	No. of challan	Date		

- Note:-
- (1) Delay due to appeals should be noted in column 13.
 - (2) Certificates received on transfer from other districts are to be shown in red ink.
 - (3) Every amendment of a Certificate and every payment made on it will be noted in this register under the initials of the Certificate Officer.

Certificate Officer.

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 24

(See sub-rule (5) of rule 67)

REGISTER FOR RECORDING THE NAMES AND
ADDRESSES OF PERSONS AND THE IMMOVABLE
PROPERTIES IN WHICH THEY ARE INTERESTED

Serial No. of the year.	Name of applicant	Full address	Detailed particulars of immovable property in which he is interested	Date of filing application for registration	Amount of fee deposited with challan / receipt No. and date	Penalty paid, if any with challan / receipt No. and date	Authority for registration	Period for which registration is allowed	Signature of the Certificate Officer
1	2	3	4	5	6	7	8	9	10

Remarks if any

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 25

(See sub-rule (1) of rule 68)

INTIMATION ABOUT THE INTENDED SALE OF
IMMOVABLE PROPERTY TO THE PERSON INTERESTED
WHO WAS REGISTERED HIS NAME

IN THE COURT OF _____ AT _____

To

Take notice that in execution of Certificate No. _____ of 20 _____ being the claim of _____ (Certificate-holder) amounting with costs and interested upto the date of sale to the sum of Rs. _____ due from _____ (Certificate-debtor) proclamation has been made for the sale at _____ A.M./P.M. on the _____ at _____ of the under mentioned immovable property in respect of which you have registered your name.

Description of the Property

Given under my hand and seal of This Court

This _____ day of _____ 20 _____.

Seal

Certificate Officer

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 26

(See sub-section (3) of section 23)

NOTICE TO SHOW CAUSE WHY SALE SHOULD
NOT BE SET ASIDE

To

Whereas the under mentioned property was sold on the _____ day
of _____ 20____ in execution of Certificate No. _____ dated,
the _____ 20____;

And whereas the Certificate-holder (or Certificate-debtor) has applied to me to set aside the
sale of the said property on the ground that _____.

Take notice that if you have any cause to show why the said application should not be granted,
you should appear with your proof in this office on the _____ day
of _____ 20____ when the said application will be heard and determined.

Given under my hand and seal, this _____ day of _____ 20____.

Description of the Property

Certificate Officer

THE MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 27

(See sub-section (2) of section 26)

SUMMON TO APPEAR AND ANSWER CHARGE OF
OBSTRUCTING EXECUTION OF CERTIFICATE

Certificate Case No. _____ of 20 _____.

To

Whereas _____ the Certificate-holder in the above Certificate has complained to this Court that you have resisted / obstructed the officer incharge with the execution of the warrant for possession.

You are hereby summoned to appear in this Court on the day of _____ 20 _____ at _____ A.M. to answer the said complaint.

Given under my hand and seal of this Court

This _____ day of _____ 20 _____.

Seal

Certificate Officer

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 28

(See sub-section (3) of section 26)

ORDER COMMITTING CERTIFICATE - DEBTOR TO CIVIL PRISON

To,

Whereas _____ who has been brought before me this _____ day of _____ 20 _____ under warrant in execution of Certificate No. _____ filed in this office on the _____ 20 _____ under the Mizoram Public Demands recovery Act, 2001 and by which Certificate, it was ordered that the said _____ should pay _____

And whereas the said _____ has not paid the said sum nor satisfied me that he is entitled to be discharged from custody.

You are hereby in the name of the State Government of Mizoram commanded and required to take and receive the said _____ into the Civil prison and keep him imprisoned therein for a period not exceeding _____ or until the said certificate shall be fully satisfied or the said _____ shall be otherwise entitled to be released according to the terms and provisions of section 27 of the said Act, and I hereby fix _____ per diem as the rate of the monthly allowances for the subsistence of the said _____ during his confinement under this order of committed.

Dated this _____ day of _____ 20 _____

Certificate Officer
_____ District.

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 29
(See section 27)

WARRANT OF ARREST

To,

Whereas a certificate No. _____ was filed in this office on the _____ 20 _____ under section _____ of the Mizoram Public Demands Recovery Act, 2001 against Certificate-debtor, and the sum of Rs. _____ as noted in the margin is due from him in respect of the said certificate.

Ans whereas the said sum of

Original demand	Rs. _____	Rs. _____ has not been paid
Interest	Rs. _____	to the Certificate-holder in
Costs	Rs. _____	satisfaction of the said
Execution	Rs. _____	certificate.

These are to command you to

Total Rs. _____ arrest the Certificate-debator and unless the said Certificate and should pay to you the said sum of Rs. _____ together with Rs. _____ for the cost of executing this process or should produce a receipt showing payment of the amount to the Certificate Officer to bring him before the Court with all convenient speed.

You are further commanded to return this warrant on or before the day of _____ 20 _____ with an endorsement certifying the day on which and the manner in which it has been executed or the reason why it has not been executed.

Dated this _____ day of _____ 20 _____

Certificate Officer.

MIZORAM PUBLIC RECOVERY RULES, 2004

FROM NO. 30
(See section 36)

NOTICE TO LEGAL REPRESENTATIVE OF
CERTIFICATE DEBTOR

To,

(Name and address of Legal Representative)

You are hereby informed that a Certificate against _____ deceased for Rs. _____ due from him on account of _____ was filed in the office on the _____ 20 _____ under section _____ of the Mizoram Public Demands Recovery Act, 2001 and that a demand of Rs. _____ in respect of the said Certificate proceeding is due from you as the legal representative of the said deceased. If you deny your liability to pay the said sum of Rs. _____ you may, within thirty days from the service of this notice, file in my office a petition denying liability in whole or in part. If, within the said thirty days you fail such a petition, or if you fail to show cause/do not show sufficient cause why such certificate should not be executed, it will be executed under the provision of the said Act, unless you pay Rs. _____ (Rupees _____ on account of the demand and Rs. _____ on account of costs of realization) into my office. Until the said amount is so paid, you are hereby prohibited from transferring or alienating your immovable property or any part of it by sale, gift, mortgage or otherwise. If you in the meantime conceal, remove or dispose of any part of your movable property, the Certificate will be executed immediately.

A copy of the certificate mentioned above is hereto annexed.

You may remit the amount by money order quoting the member and year of the Certificate.

Dated this _____ day of _____ 20 _____

Certificate Officer.

MIZORAM PUBLIC DEMANDS RECOVERY RULES, 2004

FORM NO. 31

(See sections 28 and 29)

ORDER FOR THE RELEASE OF A PERSON IMPRISONED
IN EXECUTION OF A CERTIFICATE

Name of District _____
Certificate Case No. _____ of 20 _____

To,

The Superintendent of District Jail/Central Jail
_____ District

Under orders passed this day, you are hereby directed to set
free _____ certificate-debtor now in your custody.

Seal

Certificate Officer