

Cantonments Act, 1924

Section 94 - Disposal of Distraigned Property

(1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section(2) of section 93, be sold by public auction by order of the Executive Officer.

(3) The surplus of the sale proceeds, if any, shall forthwith be credited to the cantonment fund, and notice of such credit shall be given at the same time to the person¹[whose property has been sold or his legal representative] and, if the same is claimed by written application to the²[Board] within one year from the date of the notice, a refund thereof shall be made to such person³[or representative]. Any surplus not claimed within one year as aforesaid shall be the property of the²[Board].

(4) For every distraint made under this Chapter a fee of such amount, not exceeding⁴[two rupees], as shall in each case be fixed by the Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

1. Substituted by Act 15 of 1983, section 62, for certain words w.e.f. 1-10-1983.

2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

3. Inserted by Act 15 of 1983, section 62 w.e.f. 1-10-1983.

4. Substituted by Act 15 of 1983, section 62, for "one rupee" w.e.f. 1-10-1983.
