

The DCS Act 2003

Section 45 - Notwithstanding anything contained in this Act or in any other law for the time being in

force - (i) any person who makes an application to a co-operative society of which he is a member for a loan shall, if he owns any land or has interest in any land as tenant, make a declaration in the prescribed form which shall state that the applicant thereby creates a charge on such land or interest specified in the declaration for the payment of the amount of loan which co-operative society may make to the member in pursuance of the application and for all future advances, if any, required by him which the co-operative society may make to him as such member subject to such maximum as may be determined by the co-operative society together with the interest on such amount of loan and advances; (ii) a declaration made under clause (i) may be varied at any time by a member with the consent of the co-operative society in favour of which such charge is created; (iii) no member shall alienate the whole or any part of the land or interest therein specified in the declaration made under clause (i) until the whole amount borrowed by the member together with interest thereon is paid in full: Provided that for the purpose of paying in full to the co-operative society the whole amount borrowed by the member together with interest thereon, the member may, with the previous permission in writing of the co-operative society and subject to such conditions as the co-operative society may impose, alienate the whole or any part of such land or interest thereon : Provided further that standing crops on any such land may be alienated with the previous permission of the co-operative society; (iv) any alienation made in contravention of the provisions of clause (iii) shall be void; (v) subject to the prior claims of the Government in respect of land revenue or any money recoverable as land revenue, there shall be a first charge in favour of the co-operative society on the land or interest specified in the declaration made under clause (i) for and to the extent of the dues owing by him on account of the loans and advances; (vi) the record of rights shall also include the particulars of every charge on land or interest created under a declaration under clause (i) notwithstanding anything contained in any law relating to land revenue for the time being in force; (vii) any sum due to a co-operative society in consequence of charge created under a declaration under clause (i) shall, on application of its recovery being made by such co-operative society accompanied by a certificate signed by the Registrar, be recoverable by the Collector, according to the law and under the rules for the time being in force for the recovery of land revenue.

Explanation. - For the purposes of this section, "co-operative society" shall mean any co-operative society or class of co-operative societies specified in this behalf by the Government by a general or special order. Charge and set-off in respect of share or contribution or interest of members.