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Court : Rajasthan

Decided On : Dec-20-1988

Reported in : 2(1989)WLN(Rev)27

Judge : M.B. Sharma and; I.S. Israni, JJ.

Appeal No. : D.B. Civil Writ Petition No. 419 of 1987

Appellant : Bhainron

Respondent : State of Rajasthan

Disposition : Petition dismissed

Judgement :

1. The petitioner has challenged the order Annex. 5 of the SDO Sambher lake. Under the aforesaid order dated 20-1-1987, the property of the petitioner which was mortgaged, has only been attached.

2. It may be stated that the Rajasthan Agricultural Credit Operation (R and D) Act, 1974, (for short the Act) was made as a special Act enabling the recovery by the financial institutions. Section 12 of the aforesaid Act removes the bar to attachment and sale by process of court and that section as appears was made because otherwise it would not have been possible to attach and sale agricultural lands. As and when loan is advanced by a financial institution, the property is mortgaged with the bank. If an application for recovery of an amount is made to

the Authorized Officer under the provisions of the Act and if he makes an order of attachment, it cannot be said that he had no such power. There is no provision that the attachment order could not be made without first determining the liability, if dispute is raised by agriculturist. So far as the sale of agricultural property is concerned, it can only be made after determination of liability under the provisions of the Act.

3. We find no merit. Dismissed summarily.

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