

PART M. —EXECUTION OF DECREES BY THE ATTCHMENT
AND SALE OR TEMPORARY ALIENATION OF REVENUE
PAYING OR REVENUE FREE LANDS.

1. In dealing with applications for the execution of decrees by the sale or temporary alienations of land, the provisions of section 141 of the Punjab Land Revenue Act and the Debtor's Protection Act should not be overlooked. It should be observed that land which has been built upon ceases to be land within the meaning of section 141 of the Punjab Land Revenue Act, notwithstanding the fact that it is assessed to land revenue. (See I.L.R. 1946 Lahore 52 A.I.R. 1944 Lahore 455). Law applicable.
2. It should be borne in mind that the powers of the Civil Courts to deal with objections under section 47, Civil Procedure Code, or Order XXI, rule 58, as amended by the Punjab High Court, are the same irrespective of whether the objections are received by the Court direct or through the Collector. Objections to be decided by Civil Court.
3. Objections under section 9 of the Debtors Protection Act are to be decided by the Civil Court and not the Collector. (A.I.R. 1941 Lahore 225). Ditto.
4. In cases of temporary alienations which are not governed by the Punjab Debtors Protection Act, the Civil Court may seek the Collector's advice. Seeking Collector's advice.
5. Civil Courts should submit quarterly returns in Form C printed in Part A-V, High Court Rules and Orders, Volume VI-A, under the heading "4. Returns relating to execution of decree in which the Collector is consulted", in all cases in which the Collector's advice has been sought under rule 4 above or an order is sent to the Collector under section 141 of the Punjab Land Revenue Act but execution of the decree remains in the hands of the Civil Court. Returns to be submitted by Court.
6. Forms A and B in the aforesaid part of Volume VI-A were drawn up by the judges with the concurrence of the Financial Commissioners for quarterly statements which the Collectors are required to submit to the District Judge in respect of execution proceedings transferred under section 141 of the Punjab Land Revenue Act and section 4 of the Debtors Protection Act respectively. Returns to be submitted by Collector.
7. In cases where the decree is one for the recovery of money specifically charged on the land ordered to be sold the warrant of sale has to be issued by the Civil Court. Money specifically charged on land. Warrants of sale how sent.

In this connection attention is invited to section 141 of the Punjab Land Revenue Act, 1887, according to which orders for sale of land have to be addressed to the Collector or such revenue officer as the Collector may appoint. The warrants for sale in such cases may, therefore, after arrangement with the Collector, be sent direct to the Tahsildar or such other revenue officer, as the Collector may appoint, who will return them after execution to the Court concerned through the Collector. Duplicate copies of warrants for sale should also be sent direct to the Collector for information.