
ANDHRA PRADESH (ANDHRA AREA) AGRICULTURISTS RELIEF RULES

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ANDHRA PRADESH (ANDHRA AREA) AGRICULTURISTS RELIEF RULES

In exercise of the powers conferred by clauses (a) and (b) of sub section (2) of section 28 of the Andhra Pradesh (Andhra Area) Agriculturists Relief Act, 1938, the Government of Madras are hereby pleased to make the following rules:

1. . :-

For the purposes of proviso (C) to clause (ii) of section 3 of the Andhra Pradesh (Andhra Area) Agriculturists Relief Act, 1938, the annual rental value of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts, and whose assessment is not based on the annual rental value or on the capital value shall be deemed to be 5 per cent of its capital value as determined by the Collector in the manner laid down in the rules under sub section (3) of section 81 of the Madras District Municipalities Act, 1920

2. . :-

Any tenant desirous of paying into Court any amount towards the rent due or claimed to be due by him for Fasli 1347 or 1346 or both under sub section (4) of section 15 of the Act, shall present to the Court an application in writing for the purpose The application shall specify the name and address of the applicant, the amount of rent

paid by him into Court, the fasli or faslis for which it is paid and the name of address of the landholder or under tenure holder to whom it is to be paid The application shall be signed and verified in the same manner as a pleading under the Code of Civil Procedure, 1908 .

3. . :-

Where a tenant has paid into Court an amount which he believed to be the full amount of the rent due in respect of the holding (i) for fasli 1347, on or before the 30th September, 1938 or (ii) for fasli 1346, on or before the 30th September, 1939; and it is subsequently found by the Court that owing to a bonafide mistake in calculating the price of paddy or other article payable as rent, or the interest on the rent, or otherwise, the amount actually paid fell short of the correct rent due for the fasli concerned as finally determined by the Court, the tenant shall be entitled to pay into Court the deficiency within fifteen days of the date on which the Court determined the correct rent; and such payment shall, for the purposes of the Act, be deemed to have been made on the date on which the original payment into the Court was made .

4. . :-

An application under section 18, 19A, 20, 22 or 23 of the Act shall be in writing, shall specify the name and address of the applicant, the name and address of the respondent, a clear statement of the facts of the case and the nature of the relief prayed for and shall be signed and verified in the same manner as a pleading under the Code of Civil Procedure.

5. . :-

(1) Any debtor may apply to the executive authority of a municipality or the president of a district board for information as to whether such debtor was or is assessed to profession, property or house tax in terms of provisos (B) and (C) to section 3 (ii) of the Act and the executive authority, or president shall thereupon grant to such debtor a certificate in Form 8, appended to these rules, with such variation as circumstances may require as to whether he has been so assessed to profession, property or house tax Such certificate shall be received in every court as evidence of the facts stated therein .

(2) An application under section 26 or 27 of the Act or sub rule (1) shall be in writing, shall specify the name and address of the

person in respect of whom, and the purpose for which information is required, and shall be signed and verified in the same manner as a pleading under the Code of Civil Procedure, 1908. A single application may be made to cover all the taxes referred in section 27 of the Act or in sub rule (1) in respect of all the four half years mentioned in provisos (B) and (C) to section 3 (ii) of the Act.

(3) In respect of every application under section 27 of the Act or under sub rule (1), there shall be paid to the municipality or the district board, as the case may be, a fee of seventy five paise in cash for each half year in respect of which is applied for.

6. . :-

There shall be affixed to every application under section 15 (4) read with rule 2, section 18, 19, 19A, 20, 22, 23 or 26 of the Act, a court fee stamp of the value of twenty five paise

7. . :-

There shall be paid-

(a) in respect of every application under sub section (4) of section 15 of the Act read with rule 2, process fees in accordance with the scale prescribed in item I of Appendix III to Order No 200 of the Standing Orders of the Board of Revenue; and

(b) in respect of every application under section 18, 19, 19A, 20, 22 or 23 of the Act, process fees in accordance with the scales prescribed in the Civil Rules of Practice and Circular Orders.

8. . :-

(1) A memorandum granted to a creditor under section 26 of the Act shall be in Form A appended to these rules with such variations as circumstances may require.

(2) A certificate granted to a creditor under section 27 of the Act shall be in Form B, appended to these rules with such variations as circumstances may require

9. . :-

(1) All suits and execution proceedings for the recovery from an agriculturist of the arrears of rent due from him to a landholder or an under tenure holder under the Andhra Pradesh (Andhra Area) Estates Land Act, 1908, * [x x x x] which has accrued for the fasli year 1345 and prior faslis, whether solely or in combination with

the arrears of rent which has accrued for fasli 1346 or 1347 or both, pending on the 21st June, 1938, or instituted thereafter, shall stand stayed until the 30th September, 1938, or if the rent for fasli 1347 is paid on or before the 30th September, 1938, until the 30th September, 1939:

Provided that nothing in this sub rule shall be deemed to deprive the agriculturist of any remedy or relief which may be available to him in any such suit or proceeding.

Explanation 1 In this sub rule, the expression "execution proceeding" shall include the sale of an agriculturist's holding under the provisions of Chapter VI of the A P (AA) Estates Land Act, 1908

Explanation 2 In this sub rule, the expression "fasli year" and "fasli" shall have the same meaning as in section 15 of the Act.

(2) All suits and execution proceedings stayed under sub rule (1) shall after the 30th September, 1938, or the 30th September, 1939, as the case may be, proceed, subject to the provisions of the Act, from the stage which had been reached at the time when they were so stayed.

10. . :-

Where a person in whose name an assessment to property or house tax has been made in terms of proviso (C) to section 3 (ii) of the Act, proves that he was not the owner of the property or house assessed, at any time during the period mentioned in the said proviso, such assessment shall not by itself have the effect of excluding such person from the category of agriculturist, as defined in said section.

11. . :-

For the purpose of section 9A of the Act, the proportion between the principal amount secured by the mortgage and the proportion thereof which is attributable to the portion of the property in the possession of the mortgagee shall be the same as that between the market value of the entire mortgage property at the date of the mortgage and the market value of the property at that date