

## **ANDHRA PRADESH (ANDHRA AREA) ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1948**

**26 of 1948**

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## **ANDHRA PRADESH (ANDHRA AREA) ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1948**

**26 of 1948**

[ ]

An Act to provide for the repeal of the Permanent Settlement, the acquisitions of the rights of landholders in permanently settled and certain other estates in the Andhra area of the State of Andhra Pradesh and the introduction of the ryotwari settlement in such estates. Whereas it is expedient to function provide for the repeal of the Permanent Settlement, the acquisition of the rights of landholders in permanently settled and certain other estates in the Andhra area of the State of Andhra Pradesh and the introduction of the ryotwari settlement in such estates; It is hereby enacted as follows;

### **1. Short title, extent, application and commencement :-**

- (1) This Act may be called the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948.
- (2) It extends to the whole of the Andhra Area of the State of Andhra Pradesh.
- (3) It applies to all estates as defined in Section 3, clause (2) of the Andhra Pradesh (A.A.) Estates Land Act, 1908 (Act I of 1908).
- (4) This section and Sections 2,4,5,7,8,9, 58-A, 62, 67 and 68 shall come into force at once; and the rest of this Act shall come into

force in regard to any zamindari, undertenure or inam estate, on such date as Government may, by notification, appoint.

(5) The Government may, by notification, cancel or modify any notification issued under sub-section (4) in respect of any estate, but the cancellation shall not be deemed to affect the power of the Government under sub-section (4) again to extend the rest of this Act to that estate, and the notification issued under sub-section (4) may be issued so as to have retrospective effect.

(6) Save as otherwise provided in this Act where a notification is cancelled under sub-section (5), the rest of that Act shall be deemed never to have applied to the estate concerned, and every proceeding taken thereunder and pending in respect of such estate shall abate.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context

(1) all expressions defined in the Estates Land Act shall have the same respective meanings as in that Act with the modifications, if any, made by this Act;

(2) "Director" means the Director of Settlements appointed under Section 4;

(3) "estate" means a zamindari or an under-tenure or an inam estate;

(4) "Estates Land Act" means the Andhra Pradesh (Andhra Area) Estates Land Act, 1908;

(5) "Government" means the State Government;

(6) "impartible estate" means the estate governed immediately before the notified date, by the Madras Impartible Estates Act, 1904;

(7) "inam estate" means an estate within the meaning of Section 3, clause (2) (d), of the A.P. (A.A.) Estates Land Act, 1908 (A.P. Act 1 of 1908).

(8) "landholder" includes (i) a joint Hindu family, where the to collect the rents of the whole or any portion of the estate vests in such family; and (ii) a darmila inamdar;

(9) "notification" means a notification published in the Andhra Pradesh Gazette.

(10) "notified date" in relation to an estate, means the date appointed by a notification issued under Section 1, sub-section (4), as the date on which the provisions of this Act (other than Sections 1, 2, 4, 5, 7, 8, 9, 58-A, 62, 67 and 68) shall come into force in the estate, and the word "notified" shall be construed accordingly;

(11) "prescribed" means prescribed by rules made by the Government under this Act;

(12) "principal landholder" means the person who held the estate immediately before the notified date; and

(a) in the case of an estate held by a joint family immediately before that date, means such joint family; and

(b) in the case of an impartible estate, means the person entitled to the possession of such estate immediately before that date;

(13) "Settlement Officer" in relation to any estate or part of an estate, means the officer appointed therefor under Sec.5, sub-section (1);

(14) "Tribunal" means a Tribunal constituted under Section 8 and having jurisdiction;

(15) "under-tenure estate" means an estate within the meaning of Section 3, clause (2) (e), of the Estates Land Act;

(16) "zamindari estate" means -

(i) an estate within the meaning of Section 3, clause (2) (a), of the Estates Land Act, after excluding therefrom every portion which is itself an estate under Section 3, clause (2) (b) or (2) (e), of that Act; or

(ii) an estate within the meaning of section 3, clause (2) (b) or (2) (c) of the Estates Land Act, after excluding therefrom every portion which is itself an estate under Section 3, clause (2) (e) of that Act.

Consequences of Notification of Estate

### **3. Consequences of Notification of estate :-**

With effect on and from the notified date and save as otherwise expressly provided in this Act

(a) the Andhra Pradesh (Andhra Area) Permanent Settlement

Regulation, 1802, the Estates Land Act, and all other enactments applicable to the estate as such except the Andhra Pradesh (Andhra Area) Estates Land (Reduction of Rent) Act, 1947, shall be deemed to have been repealed in their application to the estate;

(b) the entire estate (including minor inams (post-settlement or pre-settlement) included in the assets of the zamindari estate at the permanent settlement of that estate; all communal lands and porambokes; other non-ryoti lands; waste lands; pasture lands; lanka lands; forests; mines and minerals; quarries; rivers and streams; tanks and irrigation works; fisheries; and ferries), shall stand transferred to the Government and vest in them, free of all encumbrances; and the Andhra Pradesh (Andhra Area) Revenue Recovery Act, 1864, the Andhra Pradesh (Andhra Area) Irrigation Cess Act, 1865 and all other enactments applicable to ryotwari areas shall apply to the estate;

(c) all rights and interests created in or over the estate before the notified date by the principal or any other landholder, shall as against the Government cease and determine;

(d) the Government may, after removing any obstruction that may be offered, forthwith take possession of the estate, and all accounts, registers, pattas, muchilikas, maps, plans and other documents relating to that estate which the Government may require for the administration thereof:

Provided that the Government shall not dispossess any person of any land in the estate in respect of which they consider that he is prima facie entitled to a ryotwari patta -

(i) if such person is a ryot, pending the decision of the Settlement Officer as to whether he is actually entitled to such patta;

(ii) if such person is a landholder pending the decision of the Settlement Officer and the Tribunal on appeal, if any, to it, as to whether he is actually entitled to such patta;

(e) the principal or any other landholder and any other person whose rights stand transferred under clause (b) or cease and determine under clause (c), shall be entitled only to compensation from the Government as provided in this Act;

(f) the relationship of landholder and ryot shall as between them, be extinguished;

(g) ryots in the estate and persons holding under them shall, as against the Government, be entitled only to such rights and privileges as are recognized or conferred on them by or under this Act, and any other rights and privileges which may have accrued to them in the estate before the notified date against the principal or any other landholder thereof shall cease and determine and shall not be enforceable against the Government or such landholder.

#### **4. Appointment and functions of the Director of Settlements**

**:-**

As soon as may be after the passing of this Act, the Government shall appoint a Director of Settlements to carry out survey and settlement operations in estates and introduce ryotwari settlement therein. The Director shall be subordinate to the Board of Revenue.

#### **5. Appointment and functions of the Settlement Officers :-**

(1) As soon as may be after the passing of this Act, the Government shall appoint one or more Settlement-Officers to carry out the functions and duties assigned to them under this Act.

(2) Every Settlement Officer shall be subordinate to the Director and shall be guided by such lawful instructions as he may issue from time to time; and the Director shall also have power to cancel or revise any of the orders, acts or proceedings of the Settlement Officer, other than those in respect of which an appeal lies to the Tribunal.

#### **6. Managers of estates :-**

(1) With effect on and from the notified date, the Government shall appoint one or more persons to manage the estate.

(2) Every manager shall be subordinate to the District Collector and shall be guided by such lawful instructions as he may issue from time to time; and the District Collector shall also have power to cancel or revise any of the orders, acts or proceedings of the manager.

#### **7. Powers of control of the Board of Revenue :-**

The Board of Revenue shall have power-

(a) to give effect to the provisions of this Act and in particular to superintend the taking over of estates and to make due arrangements for the interim administration thereof;

(b) to issue instructions for the guidance of the Director, District Collectors, Settlement Officers and managers of estates;

(c) to cancel or revise any of the orders, acts or proceedings of any Settlement Officer other than those in respect of which an appeal lies to the Tribunal or of any manager; and

(d) to cancel or revise any of the orders, acts or proceedings of the Director or of any District Collector, including those passed, done or taken in the exercise of revisional powers.

## **8. Constitution of Tribunals for certain purposes :-**

(1) The Government shall constitute as many Tribunals as may be necessary for the purposes of this Act.

(2) Each Tribunal shall consist of a single member who shall be either a District Judge or an officer eligible to be appointed as a District Judge.

(3) Each Tribunal shall have such jurisdiction, and over such estates or parts thereof, as the Government may, by notification from time to time, determine.

(4) Every Tribunal shall have all the powers of a civil court to compel the attendance of witnesses and the production of documents. Determination Of Inam Estates

## **9. Determination of Inam Estates :-**

(1) As soon as may be after the passing of this Act and subject to the provisions of Section 9-A, the Settlement Officer may suo motu and shall on application, inquire and determine whether any inam village or hamlet or khandriga granted as inam in his jurisdiction is an inam estate or not.

(2) Before holding the inquiry, the Settlement Officer shall cause to be published in the village or hamlet or Khandriga granted as inam in the prescribed manner, a notice requiring all persons claiming an interest in any land in the village or hamlet or Khandriga granted as inam to file before him statements bearing on the question whether the village or hamlet or Khandriga granted as inam is an inam estate or not.

(3) The Settlement Officer shall then hear the parties and afford to them a reasonable opportunity of adducing all such evidence either oral or documentary as they may desire, to examine all such



documents as he has reason to believe are in the possession of the Government and have a bearing on the question before him and give the decision in writing.

(4)

(a)

(i) Against a decision of the Settlement Officer under sub-section (3), the Government may, within one year from the date of the decision or if such decision was given before the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1957, within one year from such commencement, and any person aggrieved by such decision may, within two months from the date of the decision or such further time as the Tribunal may in its discretion allow, appeal to the Tribunal.

(ii) If, before the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1957, any order has been passed by the Tribunal dismissing an appeal filed by the Government against a decision of the Settlement Officer on the ground that the Government were not competent to file an appeal under this clause or that such appeal was time-barred, the Tribunal shall, on an application filed by the Government within one year from the commencement of the Amendment Act aforesaid, vacate the order already passed by it and pass a fresh order on merits.

(b) Where any such appeal is preferred by an aggrieved person, the Tribunal shall give notice thereof to the Government and in the case of all appeals, whether by the Government or by an aggrieved person, the Tribunal shall cause to be published in the village or hamlet or Khandriga granted as inam in the prescribed manner, a notice requiring all persons who have applied to the Settlement Officer under sub-section (1) or filed before him statements under sub-section (2) to appear before it, and after giving them 2 and the Government a reasonable opportunity of being heard, give its decision.

(c) The decision of the Tribunal under this sub-section shall be final and not be liable to be questioned in any Court of Law.

(5) No decision of the Settlement Officer under sub-section (3) or of the Tribunal under sub-section (4) shall be invalid by reason of

any defect in the form of the notice referred to in sub-section (2) or sub-section (4), as the case may be, or the manner of its publication.

(6) Every decision of the Tribunal and subject to such decision, every decision of the Settlement Officer under this section shall be binding on all persons claiming an interest in any land in the village, or hamlets or khandriga granted as Inam notwithstanding that any such person has not preferred any application or filed any statement or adduced any evidence or appeared or participated in the proceedings before the Settlement Officer or the Tribunal as the case may be.

(7) In the absence of evidence to the contrary, the Settlement Officer and the Tribunal may presume that an inam village or hamlet or khandriga granted as inam is an inam estate.

**9A. Inquiry under Section 9 not necessary in certain cases**  
:-

If before the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Second Amendment) Act, 1957 any decision was given under Section 9 in respect of any village that it was not an inam estate as it stood defined before such commencement, and that decision was based on the finding the inam village became an estate by virtue of the Andhra Pradesh (Andhra Area) Estates Land (Third Amendment) Act, 1936 then,

(a) if the decision based on the finding aforesaid was given by the Tribunal under sub-section (4) of Section 9, no fresh inquiry under that section shall be necessary for taking any proceedings under this Act on the basis of that finding; and

(b) if the decision based on the finding aforesaid was given by the Settlement Officer, and no appeal was filed to the Tribunal, the Government or any person aggrieved, may appeal to the Tribunal against the decision and finding within two months from the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1960, and if no such appeal is filed, the finding of the Settlement Officer shall be final and no fresh inquiry shall be necessary for taking any proceedings under this Act on the basis of that finding.

Date of Creation of Under-tenure Estate

**10. Determination of date on which under-tenure estate was created :-**

(1) The landholder of an under-tenure estate or any other person interested may, within three months from the notified date, or such further time as the appropriate Settlement Officer may in his discretion allow, apply to him for a decision as to whether such estate was created before or after the date on which the principal estate was permanently settled.

(2) The Settlement Officer shall then hear the parties and afford to them a reasonable opportunity of adducing all such evidence either oral or documentary as they may desire to, examine all such documents as he has reason to believe are in the possession of the Government and have a bearing on the claims before him and give his decision in writing.

(3) The Government or any person deeming himself aggrieved by a decision of the Settlement Officer under sub-section (2) may, within two months from the date of the decision, or such further time as the Tribunal may in its discretion allow, appeal to the Tribunal and its decision shall be final and not be liable to be questioned in any Court of Law.

(4) Unless the Settlement Officer, or where there is an appeal, the Tribunal, decides that an under-tenure estate was created before the date on which the principal estate was permanently settled, it shall be regarded for the purposes of this Act as having been created after that date.

(5) Where the principal estate is a temporarily settled zamindari or an unsettled palaiyam or jagir, all references to the date of the permanent settlement of the principal estate in the foregoing provisions shall be construed as references

(a) in the case of a temporarily settled zamindari, to the date of its temporary settlement; and

(b) in the case of an unsettled palaiyam or Jagir, to the 13th day of July, 1802.

**11. Lands in which ryot is entitled to ryotwari patta :-**

Every ryot in an estate shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of

(a) all ryoti lands which, immediately before the notified date were

properly included or ought to have been properly included in his holding and which are not either lanka lands or lands in respect of which a landholder or some other person is entitled to a ryotwari patta under any other provision of this Act; and

(b) all lanka lands in his occupation immediately before the notified date, such lands having been in his occupation or in that of his predecessors-in-title continuously from the 1st day of July, 1939;

Provided that no person who has been admitted into possession of any land by a landholder on or after the first day of July, 1945 shall, except where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land.

Explanation: - No lessee of any lanka land and no person to whom a to collect the rent of any land has been leased before the notified date, including an ijaradar or a farmer of rent, shall be entitled to ryotwari patta in respect of such land under this section.

**12. Lands in zamindari estate in which landholder is entitled to Ryotwari Patta :-**

In the case of the zamindari estate, the landholder shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of

(a) all lands (including lanka lands) which, immediately before the notified date, (i) belonged to him as private land within the meaning of Section 3, clause (10) (a), of the Estates Land Act, or (ii) stood recorded as his private land in a record prepared under the provisions of Chapter XI or Chapter XII of the said Act, not having been subsequently converted into ryoti land;

(b)

(i) all lands which were properly included, or which ought to have been properly included, in the holding of a ryot and which have been acquired by the landholder, by inheritance or succession under a will, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry from the date of such acquisition or the 1st day of July 1939, whichever is later and has been in direct and continuous possession of such lands from such later date;

(ii) all lands which were properly included, or which ought to have been properly included in the holding of a ryot and which have been acquired by the landholder by purchase, exchange or gift, but not including purchase at a sale for arrears of rent, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry from the 1st day of July 1945 and has been in direct and continuous possession of such lands from that date;

(iii) all lands (not being (i) lanka lands, (ii) lands of the description specified in Section 3, clause (16), sub-clauses (a), (b) and (c) of the Estates Land Act, or (iii) forestlands) which have been abandoned or relinquished by a ryot, or which have never been in the occupation of a ryot, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock in the ordinary course of husbandry from the 1st day of July 1939, and has been in direct and continuous possession of such lands from that date.

Explanation:- "Cultivate" in this clause includes the planting and rearing of topes, gardens and orchards, but does not include the rearing of topes of spontaneous growth.

### **13. Lands in inam estate in which landholder is entitled to ryotwari patta :-**

In the case of an inam estate, the landholder shall, with effect on and from the notified date, be entitled to ryotwari patta in respect of

(a) all lands (including lanka lands) which, immediately before the notified date, (i) belonged to him as private land within the meaning of Section 3, clause (10) (b) of the Estates Land Act, or (ii) stood recorded as private land in a record prepared under the provisions of Chapter XI or Chapter XII of the said Act, nothaving been subsequently converted into ryoti land; and

(b)

(i) all lands which were properly included, or which ought to have been properly included, in the holding of a ryot and which have been acquired by the landholder, by inheritance or succession under a will, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour with his own or hired stock, in the ordinary course of husbandry, from the date of

such acquisition or the 1st day of July, 1945 whichever is later and has been in direct and continuous possession of such lands from such later date;

(ii) all lands which were properly included, or which ought to have been properly included in the holding of a ryot and which have been acquired by the landholder by purchase, exchange or gift, including purchase at a sale for arrears of rent; provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry from the 1st day of July 1945 and has been in direct and continuous possession of such lands from that date;

(iii) all lands (not being (i) lanka lands, (ii) lands of the description specified in Section 3, clause (16), sub-clauses (a), (b) and (c) of the Estates Land Act, or (iii) forestlands) which have been abandoned or relinquished by a ryot, or which have never been in the occupation of a ryot, provided that the landholder has cultivated such lands himself, or by his own servants or hired labour, with his own or hired stock, in the ordinary course of husbandry, from the 1st day of July, 1945 and has been in direct and continuous possession of such lands from that date.

Explanation:- "Cultivate" in this clause includes the planting and rearing of topes, gardens and orchards, but does not include the rearing of topes of spontaneous growth.

**14. Lands in an under-tenure estate in which landholder is entitled to ryotwari patta :-**

The grant of a ryotwari patta to landholder in respect of lands in an under-tenure estate shall be regulated in accordance with the provisions of

(a) section 13, if it has been decided under Section 10 that such estate was created before the date of the permanent or temporary settlement of the principal estate or the 13th day of July 1802, as the case may be; and

(b) Section 12, in other cases.

**15. Determination of lands in which the landholder is entitled to ryotwari patta under foregoing provisions :-**

(1) The Settlement Officer shall examine the nature and history of all lands in respect of which the landholder claims a ryotwari patta

under Section 12, 13 or 14, as the case may be, and decide in respect of which lands the claim should be allowed.

(2)

(a) Against a decision of the Settlement Officer under sub-section (1), the Government may, within one year from the date of the decision or if such decision was given before the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1957, within one year from such commencement, and any person aggrieved by such decision may, within two months from the date of the decision or such further time as the Tribunal may in its discretion allow, appeal to the Tribunal; and its decision shall be final and not be liable to be questioned in any Court of Law.

(b) If, before the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1957, any order has been passed by the Tribunal dismissing an appeal filed by the Government against a decision of the Settlement Officer on the ground that the Government were not competent to file an appeal under this sub-section or that such appeal was time-barred, the Tribunal shall, on an application filed by the Government within one year from the commencement of the Amendment Act aforesaid, vacate such order, and pass a fresh order on merits.

#### **16. Liability to pay assessment, etc., to Government :-**

(1) Every person, whether a landholder or a ryot, who becomes entitled to a ryotwari patta under this Act, in respect of any land shall, with effect on and from the notified date, be liable to pay to the Government such assessment, as may be lawfully imposed on the land

.

(2) If in respect of any such land, the ryot was liable immediately before the notified date to make any payment to the landholder otherwise than by way of rent, whether periodically or not, the ryot shall continue to make such payments as accrue on or after that date to the Government.

#### **17. Ryotwari patta in service-tenure lands :-**

(1) Where any land (not consisting of an entire village) granted on

service-tenure, whether to an individual or institution falls under Section 3, clause 16 (c) of Estates Land Act, then.

(a) if the service to be rendered is personal or private service to the landholder, not being a religious, educational or charitable institution, the land shall be discharged from the condition of such service and the holder of such land shall be entitled to a ryotwari patta in respect of the land with effect on and from the notified date;

(b) in all other cases, the holder of such land shall have the same rights in the land, and be subject to the same liabilities, as the inamdar of a minor service inam in a ryotwari village has in respect of his land. Provided that no ryotwari patta shall be granted in respect of any land which is forest or which falls under Section 3, clause (16), sub-clause (a) or (b), of the Estates Land Act.

(2) The provisions of sub-section (1), clause (b), shall apply also to dasabandam inam lands in estates. Buildings in Estates

### **18. Vesting of buildings situated in estates :-**

(1) Every building situated within the limits of an estate, which immediately before the notified date, belonged to any landholder thereof and was then being used by him as an office in connection with its administration and for no other purpose, shall vest in the Government, free of all encumbrances, with effect on and from the notified date.

(2) Every building so situated which, immediately before the notified date, belonged to any such landholder and the whole or principal part whereof was then in the occupation of any religious, educational or charitable institution, shall also vest in the Government, free of all encumbrances, with effect on and from the notified date; Provided that when such institution ceases to exist, the building shall revert to such landholder, or if he is dead, to his heirs or legal representatives.

(3) Where any building so situated -

(a) which belonged to any such landholder on the 1st day of July 1947; and

(b)

(i) which on that date was being used by him as an office in



connection with the administration of the estate, and for no other purpose, or

(ii) the whole or principal part whereof was on that date in the occupation of any religious, educational or charitable institution has after the 1st day of July 1947 and before the notified date, been sold or made a gift of, by the landholder, or ceased to be used by him as an office as aforesaid, or ceased to be in the occupation of such institution, the value of the building shall be assessed by the Tribunal in such manner as may be prescribed; and the Tribunal shall pay to the Government such value from out of the compensation deposited in its office under Section 41, sub-section (1).

(4) Every building other than a building referred in sub-sections (1), (2), and (3) shall, with effect on and from the notified date, vest in the person who owned it immediately before that date; but the Government shall be entitled

(i) in every case, to levy the appropriate assessment thereon; and

(ii) in the case of a building which vests in a person other than a landholder, also to the payments which such person was liable immediately before the notified date to make to any landholder in respect thereof, whether periodically or not and whether by way of rent or otherwise, in so far as such payments, may accrue due on or after the notified date.

(5) In this section, "building" includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.

(6) If any question arises whether any building or land falls or does not fall within the scope of sub-section (1), (2) (3), (4) or (5), it shall be referred to the Government whose decision shall be final, and not be liable to be questioned in any Court of Law.

(7) Any person holding a mortgage or charge on any building referred to in sub-section (1) or sub-section (2) shall, for the purpose of Section 42, be a secured creditor and be entitled to priority over any person holding a mortgage or charge subsequently created by the landholder over any part of the estate. Sales and Leases of Certain Lands

**19. to ryoti or non-ryoti land sold for non-agricultural purpose before 1st July, 1945 :-**

Where any ryoti or non-ryoti land has been sold by any landholder for a non-agricultural purpose before the 1st day of July, 1945, the buyer shall be entitled to keep the land, subject however to the payment by him to the Government of the ryotwari or other assessment or the ground rent which may be imposed upon the land;

Provided that the sale was not void or illegal under any law in force at the time.

## **20. Saving of rights of certain lessees and others :-**

(1) In cases not governed by Sections 18 and 19, where before the notified date, a landholder has created any in any land (whether by way of lease or otherwise) including rights in any forest, mines or minerals, quarries, fisheries or ferries, the transaction shall be deemed to be valid; and all rights and obligations arising thereunder, on or after the notified date, shall be enforceable by or against the Government:

Provided that the transaction was not void or illegal under any law in force at the time;

Provided further that any such created on or after the 1st day of July 1945 shall not be enforceable against the Government, unless it was created for a period not exceeding one year:

Provided also that where such was created for a period exceeding one year, unless it relates to the private land of the landholder within the meaning of Section 3, clause (10), of the Estates Land Act, the Government may, if, in their opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(2) The person whose has been terminated by the Government under the foregoing proviso, shall be entitled to compensation from the Government which shall be determined by the Board of Revenue in such manner as may be prescribed, having regard to the value of the and the unexpired portion of the period for which the was created. The decision of the Board of Revenue shall be final and not be liable to be questioned in any Court of law. Survey and Settlement of Estates

## **21. Survey of estates :-**

(1) Any estate or part thereof may be surveyed or, if it has been surveyed before the notified date, may be resurveyed, as if it were Government land, in accordance with the provisions for the survey of such land contained in the Andhra Pradesh Survey and Boundaries Act, 1923: Provided that any resurvey made under this sub-section may be limited to what is necessary for the introduction of the ryotwari settlement in the estate or part thereof.

(2) The cost of the survey or resurvey, except so much thereof as is payable by the ryots or the landholder under the provisions of Section 8 of the Andhra Pradesh Survey and Boundaries Act, 1923, shall be borne by the Government.

## **22. Manner of effecting ryotwari settlement of estate :-**

(1) The Settlement Officer shall effect a ryotwari settlement of the estate or part thereof, in accordance with a settlement notification framed and published by the Government for the purpose.

(2) The said notification shall embody the principles adopted in making ryotwari settlements in ryotwari areas, and shall adopt -

(a) the rates of assessment set out in the resettlement notification in force on the date of the passing of this Act, in the district in which the estate is situated, or

(b) if more than one such notification is in force in the district, or if the estate is situated in more than one district, the rates set out in that one of those notifications, which the Government consider to be most appropriate to the case.

(3) All rates of assessment imposed at a ryotwari settlement shall be liable to revision from time to time as laid down in the settlement notification referred to in sub-sections (1) and (2).

(4) Neither the settlement notification nor any order passed in pursuance thereof shall be liable to be questioned in any Court of Law.

## **23. Determination of land revenue before ryotwari settlement is brought into force :-**

The land revenue payable to the Government with effect on and from the notified date shall, until a ryotwari settlement effected in pursuance of Section 22 has been brought into force in the estate, be calculated as follows:-

(a) In respect of any land held for the purpose of agriculture, not being private land, the land revenue shall be -

(i) where the rent payable to the landholder immediately before the notified date has been determined under the Andhra Pradesh (Andhra Area) Estates Land (Reduction of Rent) Act, 1947, the rent so determined; or

(ii) where the rent has not been so determined, the rent which would have been payable to the landholder in respect of the fasli year in which the estate is notified; or

(iii) where no rent was payable the rent which would have been payable to the landholder immediately before the notified date, by a ryot holding similar land with similar advantages, in the neighbourhood;

Provided that in cases falling under sub-clauses (i) and (ii), the land revenue in respect of the fasli year in which the estate is notified shall be the rent due to the landholder, less any payment made to him before the notified date and authenticated in the prescribed manner;

Provided further that in cases falling under sub-clause (ii), where after the rent has been determined under the Andhra Pradesh (Andhra Area) Estate Land (Reduction of Rent) Act, 1947, it is found that the land revenue paid exceeds the rent so determined, such excess shall be adjusted towards the land revenue payable in the subsequently fasli year or years.

(b) In respect of other lands, the land revenue payable shall be calculated at such rate or rates as the Government may, by general or special order, determine.

(c) Notwithstanding anything in clause (a), in the case of wet lands whose irrigation facilities are improved by an irrigation scheme executed by the Government, they may levy additional wet assessment on such lands at such rate as they may, by order, determine having regard to the cost incurred by them and the additional benefit derived by the ryot in respect of such irrigation scheme.

Determination, Apportionment and Payment of Compensation

#### **24. Compensation how determined :-**

The compensation payable in respect of an estate shall be

determined in accordance with the following provisions.

**25. Compensation to be determined for estate as a whole :-**

The compensation shall be determined for the estate as a whole, and not separately for each of the interests therein :

**26. Basic annual sum :-**

A sum called the basic annual sum shall first be determined in respect of the estate. Basic Annual Sum for Zamindari Estates

**27. Component parts of basic annual sum in zamindari estates :-**

In the case of a zamindari estate, the basic annual sum shall be the aggregate of the sums specified below:-

(i) one-third of the gross annual ryotwari demand in respect of all lands in the estate (excluding lanka lands) in respect of which any person other than the landholder is entitled to a ryotwari patta, as ascertained under Section 28, less the deductions specified therein;

(ii) one-third of the gross annual ryotwari demand in respect of -

(a) all lanka lands in the estate in respect of which a person other than the landholder is entitled to a ryotwari patta, and

(b) all lanka lands which in the opinion of the Government are sufficiently permanent (that is to say, similar to the permanent portions of Government lanka lands) to enable the levy thereon of ryotwari assessment, as ascertained under Section 28, in so far as it may be applicable, less the deductions specified therein:

(iii) one-third of the average net annual income derived from all lanka lands in the estate other than those -

(a) in respect of which a ryot or the landholder is entitled to a ryotwari patta, and

(b) which in the opinion of the Government are sufficiently permanent (that is to say, similar to the permanent portions of Government lanka lands) to enable the levy thereon of ryotwari assessment as ascertained under Section 29, less the deduction specified therein;

(iv) one-third of the average net annual miscellaneous revenue derived from all other sources in the estate specified in Section 3, clause (b) 1 including water-cess not consolidated with the assessment under Section 22 but not including lands in respect of

which the landholder is entitled to a ryotwari patta, as ascertained under Section 30; and

(v) the whole of the jodi, kattubadi or other amount, if any (excluding local cesses and taxes), payable annually to the landholder of the estate immediately before the notified date, by the landholder of every inam village or under-tenure estate including the value, as ascertained in the prescribed manner, of whatever was deliverable in kind annually.

**28. Computation of ryotwari demand and deductions therefrom :-**

(1) The gross annual ryotwari demand in respect of the lands referred to in Section 27, clauses (i) and (ii), shall be the total of the ryotwari assessments imposed, in pursuance of a settlement effected under Section 22, on the lands occupied by any person other than the landholder on the notified date.

Explanation I:- For the purpose of this sub-section, the expression 'ryotwari assessment' in respect of any land, classified as dry in the landholders account and irrigated solely or partly from an irrigation work constructed, maintained or controlled by or on behalf of the Government, shall be deemed to be the appropriate dry assessment on the land, together with the net amount, if any, which the landholder is entitled to retain as his share of the charge for water, paid or payable to him by the ryots for the Fasli year 1357.

Explanation II:- In the case of wet lands referred to in Section 23, clause (c), the ryotwari assessment shall be the assessment which would have been imposed on the land, if it had been settled before the execution of the irrigation scheme, and shall not include the additional wet assessment or any part thereof levied thereunder.

(1-A) Explanations I and II to sub-section (1) shall be deemed to have come into force on the 19th April, 1949.

(2) The deductions referred to in Section 27, clauses (1) and (ii), shall be -

(a) five per cent of the gross annual ryotwari demand as computed above in respect of the lands referred to in the said clause (i) or (ii), as the case may be, on account of establishment charges, deficiencies in collection and the like; and

(b) three and one-third per cent of such gross demand on account of the maintenance of irrigation works serving the estate:

Provided that no deduction shall be made on account of the maintenance of irrigation works, if there is no such work serving the estate or if the landholder is under no legal obligation to maintain any such work serving the estate:

Provided further that where the obligation of the landholder to maintain every one of the irrigation works serving the estate is shared by him either with the Government or with the landholder of some other estate, the percentage of deduction on account of the maintenance of irrigation works shall be reduced by such extent as the Government may deem reasonable.

## **29. Computation of income from lanka lands :-**

(1)

(a) The average net annual income from the lanka lands referred to in Section 27, clause (iii), shall be the average of the net annual income derived by the landholder from such lands during a period of twenty complete fasli years immediately preceding the notified date, or where such lands have been in existence for a shorter period not being less than five complete fasli years immediately preceding the notified date, during the complete fasli years for which the lands have been in existence:

Provided that where the particulars necessary to compute such average are not available for the full period or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(b) Where such lands have not been in existence for a period of five complete fasli years as aforesaid, their average net annual income shall be computed in such manner as may be prescribed.

(2) The deduction referred to in Section 27, clause (iii), shall be such amount as may be prescribed on account of remissions for bad seasons and the like, in the same manner as in the case of Government lanka lands.

## **30. Computation of net miscellaneous revenue :-**

The average net annual miscellaneous revenue from the sources referred to in Section 27, clause (iv), shall be the average of the net annual income derived by the Government from such sources

during the fasli year commencing on the notified date, if such date was the 1st day of July, or on the first day of July immediately succeeding the notified date, if such date was not the 1st day of July and the next two fasli years. Basic Annual sum for Inam Estates

**31. Component parts of basic annual sum in inam estates :-**

In the case of an inam estate, the basic annual sum shall be the aggregate of the sums specified below, less the deductions specified in Section 35

(i) the whole of the gross annual ryotwari demand in respect of all lands in the estate (excluding lanka lands), in respect of which any person other than the landholder is entitled to a ryotwari patta, as ascertained under Section 32, less the deduction specified therein;

(ii) the whole of the gross annual ryotwari demand in respect of all -

(a) lanka lands in the estate in respect of which a person other than the landholder is entitled to a ryotwari patta, and

(b) all lanka lands which, in the opinion of the Government, are sufficiently permanent (that is to say, similar to the permanent portions of Government lanka lands), to enable the levy thereon of ryotwari assessment, as ascertained under Section 32, in so far as it may be applicable, less the deduction specified therein;

(iii) the whole of the average net annual income derived from all lanka lands in the estate other than those -

(a) in respect of which a ryot or the landholder is entitled to a ryotwari patta, and

(b) which in the opinion of the Government are sufficiently permanent (that is to say, similar to the permanent portions of Government lanka lands), to enable the levy thereon of ryotwari assessment, as ascertained under section 33, less the deduction specified therein;

(iv) the whole of the average net annual miscellaneous revenue derived from all other sources in the estate specified in Section 3, clause (b), including water-cess not consolidated with the assessment under Section 22 but not including lands in respect of which the landholder is entitled to a ryotwari patta, as ascertained under Section 34.



### **32. Computation of ryotwari demand and deduction therefrom :-**

(1) The gross annual ryotwari demand in respect of the lands referred to in Section 31, clauses (i) and (ii), shall be the total of the ryotwari assessments imposed in pursuance of a settlement effected under Section 22 on the lands occupied by any person other than the landholder on the notified date.

Explanation I:- For the purposes of this sub-section, the expression 'ryotwari assessment' in respect of any land, classified as dry in the landholder's account and irrigated solely or partly from an irrigation work constructed, maintained or controlled by or on behalf of the Government, shall be deemed to be the appropriate dry assessment of the land, together with the net amount, if any, which the landholder is entitled to retain as his share of the charge for water paid or payable to him by the ryots for the Fasli year 1357.

Explanation II :- In the case of wet lands referred to in Section 23, clause (c), the ryotwari assessment shall be the assessment which would have been imposed on the land if it had been settled before the execution of the irrigation scheme, and shall not include the additional wet assessment or any part thereof levied thereunder.

(1-A) Explanations I and II to sub-section (1) shall be deemed to have come into force on the 19th April 1949.

(2) From the gross annual ryotwari demand as computed above, there shall be deducted  $3\frac{1}{3}$  per cent of such demand on account of the maintenance of irrigation works serving the estate;

Provided that no such deduction shall be made, if there is no irrigation work serving the estate, or if the landholder is under no legal obligation to maintain any such work serving the estate:

Provided further that where the obligation of the landholder to maintain every one of the irrigation works serving the estate is shared by him either with the Government or with the landholder of some other estate, the percentage of such deduction shall be reduced by such extent as the Government may deem reasonable.

### **33. Computation of income from lanka lands :-**

(1)

(a) The average net annual income from the lanka lands referred to in Section 31, clause (iii), shall be the average of the net annual income derived by the landholder from such lands during a period of twenty complete fasli years immediately preceding the notified date, or where such lands have been in existence for a shorter period not being less than five complete fasli years immediately preceding the notified date, during the complete fasli years for which the lands have been in existence:

Provided that where the particulars necessary to compute such average are not available for the full period, or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(b) Where such lands have not been in existence for a period of five complete fasli years as aforesaid, their average net annual income shall be computed in such manner as may be prescribed.

(2) From the average net annual income as computed above, there shall be deducted such amount as may be prescribed on account of remissions for bad seasons and the like, in the same manner as in the case of Government lanka lands.

#### **34. Computation of net miscellaneous revenue :-**

The average net annual miscellaneous revenue from the sources referred to in Section 31, clause (iv), shall be the average of the net annual income derived by the Government from such sources during the fasli year commencing on the notified date, if such date was 1st day of July, or on the 1st day of July immediately succeeding the notified date, if such date was not the 1st day of July and the next two fasli years.

#### **35. Jodi, etc., to be deducted :-**

From the aggregate of the sums referred to in Section 31, clauses (i) to (iv), ascertained as aforesaid, there shall be deducted

(a) the whole of the jodi, quit-rent or other amount, if any of a like nature, payable annually by the landholder to the Government; and

(b) the whole of the jodi, kattubadi or other amount, if any (excluding local cesses and taxes), payable annually by the landholder immediately before the notified date, to a landholder of some other estate, including the value, as ascertained in the prescribed manner, of whatever was deliverable in kind annually:

Provided that the amount deducted under clauses (a) and (b) shall in no case exceed one-half of the aggregate of the net amounts computed in accordance with Sections 32 and 33.

Basic Annual sum for Under-tenure Estates

**36. Basic annual sum in the case of under-tenure estates :-**

In the case of an under-tenure estate, the basic annual sum shall, where it has been decided under Section 10 that the estate was granted before the date of the permanent or temporary settlement of the principal estate or before the 13th day of July 1802, as the case may be, be computed, in accordance with the provisions of Sections 31 to 35, both inclusive. In other cases, the basic annual sum shall be the sum as computed in accordance with the provisions of Sections 27 to 30, both inclusive, less the whole of the jodi, kottubadi or other amount, if any (excluding local cesses and taxes), payable annually by the landholder of the under-tenure estate immediately before the notified date to the landholder of the principal estate, including the value, as ascertained in the prescribed manner, of whatever was deliverable in kind annually:

Provided that the total amount to be deducted as aforesaid shall in no case exceed one half of the aggregate of the net amounts computed in accordance with clauses (i) to (iii) of Section 27 read with Sections 28 and 29.

**37. Scale of compensation except in the case governed by Section 38 :-**

The total compensation payable in respect of any estate shall, except in the case governed by Section 38, be determined in accordance with the following scale:-

(i) Where the basic annual sum does not exceed Rs.1,000 30 times such sum.

(ii) Where the basic annual sum exceeds Rs.1,000 but does not exceed Rs.3,000 25 times such sum or Rs.30,000 whichever is greater.

(iii) Where the basic annual sum exceeds Rs.3,000 but does not exceed Rs.20,000 20 times such sum or Rs.75,000 whichever is greater.

(iv) Where the basic annual sum exceeds Rs.20,000 but does not exceed Rs.50,000 17 1/2 times sum or Rs.4,00,000, whichever is greater.

(v) Where the basic annual sum exceeds Rs.50,000 but does not exceed Rs.1,00,000 15 times such sum or Rs.8,75,000 whichever is greater.

(vi) Where the basic annual sum exceeds Rs.1,00,000 12 1/2 times such sum or Rs.15,00,000 whichever is greater.

Payments to Religious, Educational and Charitable Institutions

**38. Payment of tasdik allowance and additional compensation to institutions :-**

(1) In the following cases, namely:-

(a) Where an inam estate or part thereof was held immediately before the notified date by any religious, educational or charitable institution, and

(b) where a zamin or under-tenure estate or part thereof was held immediately before the notified date by any such institution, such estate or part having been endowed for its maintenance the Government shall subject to the provisions of sub-sections, (3-A) and (4-A) pay to the Institution every year as a tasdik allowance:

(i) in the case of an entire estate, the basic annual sum;

(ii) in the case of a part of an estate, such portion of the basic annual sum as may, on a calculation in the prescribed manner, be ascribed to that part.

(2) Where the tasdik allowance so payable is less than the difference between:

(a) the average net annual income derived by the institution from all sources in the estate or part as calculated in the prescribed manner during the five complete fasli years immediately preceeding the notified date or during that portion of those fasli years in which the estate or part was held by the institution, and

(b) the income as calculated in the prescribed manner which the institution may be expected to receive from the lands in respect of which it is entitled to a ryotwari patta, the deficiency shall be made good to the institution by the Government every year.

(3) All amounts which accrued due to the institution during the period referred to in sub-section (2), clause (a) shall be taken into account, whether the amounts were actually collected or not:

Provided that the value in money of anything deliverable in kind to the institution at any time during the period aforesaid shall, where any price has been fixed by the Government for the sale of such thing at such time in the area concerned, be calculated at such price.

(3-A) The tasdik allowance payable under sub-section (1) shall not exceed the average net annual income derived by the institution during the five complete Fasli years immediately preceding the notified date or during that portion of those Fasli years in which the estate or part thereof was held by the institution.

(4) Payment shall be made to the institution under sub-sections (1) and (2), so long as it exists.

(4-A) Notwithstanding anything contained in sub-sections (1) and (2), the aggregate of the amounts payable every year under the said sub-sections to all the institutions referred to in clause (b) of sub-section (1) shall not exceed a sum of rupees one lakh and fifty thousand; and if such aggregate exceeds in any year one lakh and fifty thousand rupees, a proportionate reduction shall be made in the amount payable to each such institution so that the aggregate of the amounts payable in respect of all such institutions for that year may be limited to the said sum of rupees one lakh and fifty thousand.

(5) Nothing contained in this section shall apply where any land (not consisting of an entire village) granted on service tenure to the institution falls under Section 3, clause (16) (c) of the Estates Land Act.

### **38A. Payment of allowance by religious institutions :-**

(1) Where an inam estate or part thereof was held immediately before the notified date by an individual on condition of rendering service to a religious institution, the individual shall, notwithstanding anything contained in this Act, be bound to render such service after the notified date, if he is required to do so by a written notice sent to him by the institution within such time as may be specified by the Government in this behalf.

(2) Any such individual who renders the service on being required to do so by the institution as aforesaid shall be entitled to be paid by the institution every year such sum as may be fixed by agreement between the individual and the institution, and if no

such agreement can be reached, such sum as may be fixed by the Board constituted under the Madras Hindu Religious Endowments Act, 1926, in accordance with such rules as may be made by the Government in this behalf;

Provided that if the individual pays to the institution the amount of compensation paid to him under this Act, the institution shall, in lieu of the sum aforesaid, pay to the individual every year a sum equal to the aggregate of the amounts which would be payable by the Government under Section 38, if the inam estate or part thereof was held immediately before the notified date by a religious institution.

Explanation:- For the purposes of this section, individual' means the person who would have held the inam estate or part thereof, if it had not vested in the Government under this Act.

Determination of Basic Annual sum and of total compensation

**39. Determination of basic annual sum and of total compensation :-**

(1) The Director shall determine in accordance with such of the foregoing provisions as may be applicable to the estate

(a) the basic annual sum in respect thereof; and

(b) except in the case governed by Section 38, also the total compensation payable in respect of the estate.

(2) Any landholder or other person interested may, within such time as may be prescribed or such further time as the Director may in his discretion allow, apply in writing to the Director for a copy of the data on the basis of which he proposes to determine the basic annual sum.

(3) On the receipt of such application, the Director shall furnish the data aforesaid to the applicant; and he shall also, before passing any order under sub-section (1), give the applicant a reasonable opportunity of making his representations in regard thereto, in writing or orally.

(4) A copy of every order passed under sub-section (1) shall be communicated to every landholder concerned, and also to every applicant under sub-section (2).

(5) Any person deeming himself aggrieved by an order made under

sub-section (1) may, within three months from the date of the order or such further time as the Board may in its discretion allow, appeal to the Board of Revenue; and the Board shall, after giving the applicant a reasonable opportunity of being heard, pass such orders on the appeal as it thinks fit.

(6) The Board of Revenue may also in its discretion, at any time, either suo motu or on the application of any person call for and examine the record of any order passed, or proceeding taken, by the Director under this section, for the purpose of satisfying of itself as to the legality, regularity or propriety of such order or proceeding and pass such order in reference thereto as it thinks fit;

Provided that the basic annual sum or the total compensation payable in respect of any estate shall not be altered by the Board without giving every landholder concerned and every person who has made an application under sub-section (2), a reasonable opportunity of being heard.

(7) No order passed by the Director under sub-section (1) shall be liable to be cancelled or modified except by the Board of Revenue as aforesaid or to be questioned in any Court of Law; and no order passed by the Board of Revenue under sub-section (5) or (6) shall be liable to be cancelled or modified by the Government or any other authority or to be questioned in any Court of Law;

Provided that where the notification issued under sub-section (4) of Section 1 in respect of an estate is cancelled under sub-section (5) of that Section and the said estate is re-notified under sub-section (4) of that section, subsequent to the passing of an order under this section, resulting in-

(i) the originally notified estate being split up into two more estates;

(ii) some area being added, or excluded from such estate; or

(iii) the variation in the tenure of such estate or of any estate estates as so re-notified; it shall be lawful for the Director to determine, in accordance with such of the foregoing provisions as may be applicable to the estate or estates as so re-notified.

(a) the basic annual sum in respect of such estate or estates; and

(b) except in the case governed by Section 38, also the total compensation payable in respect of such estate or estates; and all

the provisions of this section shall apply to every such determination made by the Director.

**40. Compensation, etc., to be paid in prescribed manner :-**

(1) The compensation payable to any person under this Act and the sums payable to any religious, educational or charitable institution under Section 38, sub-sections (1) and (2), may be paid in such form and manner, and at such time or times, and in one or more instalments, as may be prescribed by rules made by the Government.

(2) Such rules shall be subject to the approval of the State Legislative Assembly.

**41. Compensation to be deposited in office of Tribunal :-**

(1) The Government shall deposit in the office of the Tribunal, the compensation in respect of each estate as determined by the Director under Section 39 in such form and manner, and at such time or times and in one or more instalments, as may be prescribed by rules made under Section 40:

Provided that the Government shall be entitled to deduct from the amount to be deposited

(a) the advance compensation referred to in sub-section (1) of Section 54-A.

(b) all moneys, if any, still remaining due to them

(i) in respect of peshkash, jodi, quit-rent or other amounts of like nature, and cesses; and

(ii) in respect of any claim which was secured immediately before the notified date by a mortgage of, or a charge on, the estate or any portion thereof;

(c) the rents, if any, collected before the notified date by the landholder from the ryots in respect of the fasli year in which the Estate is notified and any amount collected by him from the ryots in excess of the rent determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947) and outstanding to the credit of the ryots on the first day of that fasli year, which rent or amounts cannot be adjusted by deduction under Section 50; and



(d) all interim payments deposited under sub-section (5) of section 50 in excess of the amounts finally found to be payable under that section, together with interest thereon as provided in sub-section (9) of the same section:

Provided further that where the total amount of the compensation payable in respect of any estate stands altered after the deposit referred to above has already been made, the Government may deposit the difference or withdraw the same from the deposit already made, or otherwise adjust the same in such manner and at such time or times as may be prescribed, and the provisions of Sections 42 to 49, and Sections 51 and 52 shall apply to the amount finally under deposit, and to this extent the Tribunal or the Special Tribunal, as the case may be, shall be competent to revise its orders, if any, already passed:

Provided also that where the notification issued under sub-section (4) of Section 1 in respect of an estate is cancelled under sub-section (5) of that section and the said estate is re-notified under sub-section (4) of that section, the amount, if any, deposited in respect of such estate prior to its re-notification shall be deemed to be the deposit made under this section, in respect of the estate or each of the estates as so re-notified and it shall be adjusted towards the estate or each of the estates as so re-notified, either wholly or in proportion to their respective basic annual sums, as the case may be, and that all such adjustments shall be deemed to have been made on the dates on which the respective amounts were actually deposited with the Tribunals.

(2) On the making of such deposit, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the compensation aforesaid.

#### **42. Claims to be made within six months :-**

(1) Every person claiming the compensation so deposited or any portion thereof, including the principal or any other landholder, members of his family claiming any portion of such compensation, whether by way of a share or by way of maintenance or otherwise, and creditors, whether their debts are secured or not, shall apply to the Tribunal within six months from the date on which the amount was so deposited or within such further time as the Tribunal may, in its discretion, allow.

(2) Every claim against the compensation which is not made to the

Tribunal within the time aforesaid, shall cease to be enforceable.

**43. Duty of Tribunal :-**

The Tribunal shall, after giving notice to all persons who have applied under Section 42 and to any others whom it considers to be interested, make inquiry into the validity of the claims received by it, and determine the persons who, in its opinion, are entitled to the compensation deposited and the amount to which each of them is entitled.

**44. Compensation to be apportioned by Tribunal :-**

(1) As a preliminary to such determination, the Tribunal shall apportion the compensation among the principal landholder and any other persons whose rights or interests in the estate stand transferred to the Government under Section 3, clause (b), or cease and determine under Section 3, clause (c), including persons who are entitled to be maintained from the estate and its income, as far as possible, in accordance with the value of their respective interests in the estate:

Provided that where the notification issued under sub-section (4) of Section 1 in respect of an estate is cancelled under sub-section (5) of that section and the said estate is re-notified under sub-section (4) of that section, it shall be competent for the Tribunal to revise the apportionment of the compensation already made under this sub-section, so as to be in conformity with the revised compensation payable under this Act in respect of the estate or estates as so re-notified, and

(i) if any additional amount becomes due to any person owing to such revised apportionment, it shall be paid to him in accordance with the provisions of this Act; or

(ii) if any payment made to any person is found to be not due to him or to be in excess of the amount due to him, such payment or excess payment, as the case may be, shall be recoverable under Section 54D

(2) The value of those interests shall be ascertained -

(a) in the case of the impartible estates referred to in Section 45, in accordance with the provisions contained in that section and in such rules, not inconsistent with that section, as may be made by the Government in this behalf; and

(b) in the case of other estates, in accordance with such rules as may be made by the Government in this behalf.

(3) A copy of every rule made under sub-section (2) shall, as soon as may be after it has been made, be laid on the table of the State Legislative Assembly.

#### **45. Apportionment in the case of certain impartible estates**

:-

(1) In the case of an impartible estate which had to be regarded as the property of a joint Hindu family for the purpose of ascertaining the succession thereto immediately before the notified date, the following provisions shall apply.

(2) The Tribunal shall determine the aggregate compensation payable to all the following persons, considered as a single group:

(a) the principal landholder and his legitimate sons, grandsons and great-grandsons in the male line living or in the womb on the notified date, including sons, grandson and great-grandsons adopted before such date (who are herein after called sharers'); and

(b) other persons who immediately before the notified date, were entitled to maintenance out of the estate and its income either under Section 9 or 12 of the A.P. (Andhra Area) Impartible Estates Act, 1904, or under any decree or order of a Court, award, or other instrument in writing or contract or family arrangement which is binding on the principal landholder (who are hereinafter called maintenance-holders'):

Provided that no such maintenance-holder shall be entitled to any portion of the aggregate compensation aforesaid, if, before the notified date his claim for maintenance, or the claim of his branch of the family for maintenance, has been settled or discharged in full.

(3) The Tribunal shall next determine which creditors, if any, are lawfully entitled to have their debts paid from and out of the assets of the impartible estate and the amount to which each of them is so entitled; and only the remainder of the aggregate compensation shall be divisible among the sharers and maintenance-holders as hereinafter provided.

(4) The portion of the aggregate compensation aforesaid payable to

the maintenance-holders shall be determined by the Tribunal and notwithstanding any arrangement already made in respect of maintenance whether by a decree or order of a Court, award or other instrument in writing or contract or family arrangement, such portion shall not exceed one-fifth of the remainder referred to in sub-section (3), except in the case referred to in the second proviso to Section 47, sub-section (2).

(5) (a) The Tribunal shall, in determining the amount of the compensation payable to the maintenance-holders and apportioning the same among them, have regard, as far as possible, to the following considerations, namely:-

(i) the compensation payable in respect of the estate;

(ii) the number of persons to be maintained out of the estate;

(iii) the nearness of relationship of the person claiming to be maintained;

(iv) the other sources of income of the claimant; and

(v) the circumstances of the family of the claimant;

(b) For the purpose of securing (i) that the amount of compensation payable to the maintenance-holders does not exceed the limit specified in sub-section (4) and (ii) that the same is apportioned among them on an equitable basis, the Tribunal shall have power, wherever necessary, to re-open any arrangement already made in respect of maintenance, whether by a decree or order of a Court, award, or other instrument in writing, or contract or family arrangement.

(6) The balance of the aggregate compensation shall be divided among the sharers, as if they owned such balance as a joint Hindu family and a partition thereof had been effected among them on the notified date.

#### **46. Claims of creditors :-**

After the compensation has been apportioned among the persons referred to in Section 44, sub-section (1), or where it is more convenient, so to do pending such apportionment, the Tribunal shall take into consideration the applications of the creditors other than those dealt with in Section 45, sub-section (3), and decide the amount to which each such creditor is entitled and the person or persons out of whose share or shares of the compensation such

amount should be paid.

**47. Grant of ryotwari patta to maintenance-holders in certain impartible estates :-**

(1) Every maintenance-holder entitled to a portion of the compensation under Section 45 shall also be entitled to the grant of a ryotwari patta in respect of a portion of the lands referred to in Section 12 or 14, as the case may be.

(2) The Tribunal shall determine the total extent of the lands in respect of which ryotwari pattas may be granted to the maintenance-holders and divide the same among them, and in doing so, the Tribunal shall, unless for reasons recorded in writing it considers that it is inappropriate to do so, have regard to the considerations set forth in Section 45, subsection (5) and the manner in which the compensation payable to the maintenance holders has been or may be apportioned among them under that sub-section.

Provided that the total extent of the lands granted to all such maintenance-holders shall not exceed one-fifth of the extent of the lands in respect of which a ryotwari patta may be granted under Section 12 or 14:

Provided further that where it is found to be inconvenient or impracticable to grant any such lands, or to grant any such lands to the full extent to which the maintenance-holder may be regarded as entitled, whether on the ground that such a grant will result in the creation of an uneconomic holding or for any other reason, the share of the compensation awarded to the maintenance-holder may be increased by such amount as the Tribunal may consider reasonable.

(3) The lands in respect of which a ryotwari patta may be granted under Section 12 or 14, after excluding any lands which may be granted to maintenance-holders under sub-section (2), shall be divided among the sharers, as if they owned such lands as a joint Hindu family and a partition thereof had been effected among them on the notified date.

**48. Certain estates to be treated as impartible estates for purposes of compensation :-**

Where the power of the landholder to alienate any property in an estate is restricted, whether by the terms of the grant or otherwise,

the provisions of this Act relating to the payment and apportionment of compensation in respect of impartible estates shall, so far as may be and subject to such rules as may be made by the Government in this behalf, apply to the payment and apportionment of the compensation payable in respect of the estate.

**49. Devolution of interest in compensation :-**

Where it is alleged that the interest of any person entitled to receive payment of any portion of the compensation has devolved on any other person or persons, whether by act of parties or by operation of law, the Tribunal shall determine whether there has been any devolution of the interest, and if so, on whom it has devolved.

**50. Interim payments to principal landholder and others :-**

(1) The provisions of this section shall apply in every case not governed by section 38.

(2) After the notified date and before the compensation has been determined by the Director under Section 39 and deposited under Section 41 interim payments shall be made by the Government every fasli year, to the principal landholder and to the other persons referred to in section 44, sub-section (1), as follows:

(3) In respect of the fasli year in which the estate is notified, they shall together be entitled to such amount as the Government may, on a rough calculation, determine to be the basic annual sum referred to in section 26, if the deposit in pursuance of Section 54-A has not been already made, and to an amount equal to one-half of the basic annual sum as so calculated, if the deposit aforesaid has been already made:

Provided that, in either case, the Government shall be entitled to deduct -

(i) the rents if any, collected before the notified date by the landholder from the ryots in respect of the fasli year aforesaid and any amount collected by him from the ryots in excess of the rents determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947) and outstanding to the credit of the ryots on the first day of that fasli year; and

(ii) the peshkash, jodi, quit-rent or other amounts of like nature and

cesses due to the Government from the landholder:

Provided further that such deductions were not already made in pursuance of Section 54-A or Section 55.

Explanation:- Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947), and paid to the landholder shall, for the purpose of this sub-section, be deemed to be an amount collected by the landholder.

(4) In respect of each subsequent fasli year, they shall together be entitled to the amount estimated under sub-section (3) to be the one half of the basic annual sum, unless data for the better calculation thereof have since become available, in which case the amount to be paid shall be revised by the Government with reference to such data and the excess or deficiency in respect of the amounts already deposited for the previous fasli or faslis shall either be adjusted towards the interim payments due for that fasli or subsequent faslis, or deposited in addition, as the case may be:

Provided that in cases where the compensation as determined by the Director under Section 39 for the estate is not paid in one lumpsum, but in instalments, the amount payable under this sub-section every year after the first instalment of compensation has been paid, shall be reduced in proportion to the compensation amount outstanding in that year;

Provided further, that if for any reason the whole or any portion of the rents, the excess collections and the cesses and other amounts referred to in the proviso to sub-section (3) was not deducted in pursuance of that proviso, the amount remaining undeducted shall be deducted from the amount payable under this sub-section.

(4-A) If the amount deposited under Section 54-A is, on subsequent calculation either because data for better calculation have since become available or because of mistake in the method of calculation adopted before the deposit was made under that section, found to be in excess of the amount that should properly have been deposited, such excess shall also be deducted out of the amounts to be deposited under sub-section (3) or sub-section (4)

(5) The Government shall deposit all such amounts in the office of the Tribunal and the Tribunal shall, after such inquiry, if any, as it

thinks fit, apportion the amounts among the principal landholder and the other persons referred to in sub-section (2), as far as possible in accordance with the value of their respective interests.

(6) On the making of such a deposit, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against the amount so deposited.

(7) After the compensation has been finally determined, the Government shall ascertain, in the manner specified below, the aggregate interim payment due in respect of the estate as follows:-

(a) In respect of the fasli year in which the estate is notified, the basic annual sum as finally determined under Section 39 after deducting therefrom an amount bearing to the basic annual sum the same proportion as the amount of the advance compensation referred to in Section 54-A bears to the compensation as finally determined under Section 39, in case the deposit in pursuance of Section 54-A is made in the fasli year in which the estate is notified.

(b) In respect of each of the subsequent fasli years, the basic annual sum as finally determined under Section 39, after deducting therefrom an amount bearing to the basic annual sum the same proportion as the amount of the advance compensation referred to in Section 54-A together with any further instalment or instalments of compensation deposited up to the end of the fasli year concerned bears to the compensation as finally determined under Section 39. If the aggregate interim payment thus determined less the deductions already made under sub-sections (3) and (4) exceeds, or is less than, aggregate of the amounts already deposited under sub-section (5), the balance with interest thereon at three per cent per annum shall be deposited by the Govt., with the Tribunal after deducting the amounts of the nature specified in the proviso to sub-section (3) and still due to the Government, or, as the case may be, the amount of deficiency shall be intimated by the Government to the Tribunal.

Explanation:- Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947), and paid to the landholder shall, for the purpose of this sub-section, be deemed to be an



amount collected by the landholder.

(8) No interim payment made under this section shall be deemed to constitute any part of the compensation which the Government are liable to deposit under Section 41, sub-section (1), or to any extent to be in lieu of such compensation.

(9) The Tribunal shall revise the apportionment of the interim payments with reference to the aggregate interim payments as finally determined by the Government under sub-section (7) on the basis that each of the persons entitled to receive any portion of the interim payments shall be entitled separately to the same share of the said aggregate interim payments as the share of the compensation to which he is finally held to be entitled under Section 44 . Any excess payment disclosed by such revision which has not already been deducted under the first proviso to sub-section (1) of Section 41 shall be deducted by the Tribunal, with interest thereon at three per cent per annum, from the compensation payable to the person concerned.

(10) Where the notification issued under sub-section (4) of Section 1 in respect of an estate is cancelled under subsection (5) of that section and the said estate is re-notified under sub-section (4) of that section, the amount of interim payments for the estate or each of the estates as re-notified shall be calculated afresh and the amount, if any, deposited in respect of the estate as originally notified prior to its re-notification shall be adjusted towards the estate or each of the estates as so re-notified, either wholly or in proportion to their respective basic annual sums, as the case may be, and all such adjustments shall be deemed to have been made on the dates on which the respective amounts were actually deposited with the Tribunal and the additional amount, if any, that becomes payable to any person towards interim payments owing to such fresh calculation shall be paid to him in accordance with the provisions of this Act.

(11) Notwithstanding the fact that subsequent to the determination of the compensation by the Director under Section 39 or the expiry of the period, in which the compensation is payable in instalments, the basic annual sum or the total compensation or both, have been altered owing to re-calculation thereof in pursuance of an order, decree or judgment of any authority or Court or owing to re-determination thereof as a consequence of the re-notification of the estate under sub-section (4) of Section 1, after the original

notification issued in respect thereof under that sub-section has been cancelled under sub-section (5) of section 1, and notwithstanding anything in this section, it shall not be necessary to make interim payments under this section

(i) in the case of an estate where compensation is payable in one lumpsum from the fasli year in which the Director would have determined the compensation under Section 39 but for the re-calculation or re-determination as aforesaid; and

(ii) in any other case, from the fasli year in which the last instalment of the compensation would have fallen due but for the re-calculation or re-determination as aforesaid.

(12) Notwithstanding anything contained in sub-sections (1) to (11), where, after the Government have deposited the compensation, as originally determined by the Director under Section 39, the basic annual sum, or the total compensation, or both, have been altered owing to determination thereof by the Director in pursuance of

(a) an order or decision passed or given by the Board in appeal or in revision, or

(b) an order passed by a court in any proceedings, after setting aside or modifying the order of determination passed under Section 39 and remanding the case to him with a direction to determine afresh the basic annual sum or compensation, it shall not be necessary to make interim payments under this section,

(i) in the case of an estate where compensation is payable in one lumpsum, from the fasli year in which the Director had originally determined the compensation under Section 39; and

(ii) in any other case, from the fasli year to which the last instalment of the compensation would have fallen due but for the determination afresh.

(13) The provisions of this section shall have effect notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority.

#### **50A. Cessation of interim Payments in cases falling under Section 54-AA :-**

In case the principal landholder or any other person referred to in sub-section (1) of Section 44 has received in the form of bonds

deposited by the Government in the office of the tribunal under Section 54-AA, his share in the remaining half of the amount of compensation estimated under sub-section (1) of section 54, no interim payment under Section 50 shall be payable to such principal landholder or any other person from the Fasli year in which the bonds are deposited by the Government in the office of the Tribunal.

Provided that if the amount deposited in bonds in pursuance of sub-section (1) of section 54-AA falls short of the remaining half of the amount of compensation estimated under sub-section (1) of Section 54-A, an interim payment equal to a sum which bears the same proportion to the basic annual sum as the amount still remaining unpaid out of the total compensation estimated under Section 54-A bears to such total estimated compensation, shall be payable from the Fasli year aforesaid.

### **51. Appeals :-**

(1) Any person deeming himself aggrieved by any decision of the Tribunal under Sections 43 to 50, may, within three months from the date of such decision or such further time as a Judge of the High Court nominated for the purpose by the Chief Justice may in his discretion allow, appeal to a Special Tribunal consisting of two judges of the High Court nominated from time to time by the Chief Justice in that behalf.

(2) Where the members of the Special Tribunal are agreed in their opinion, their decision shall be final. Where the members are divided in their opinion, the case with their opinions thereon shall be laid before another Judge of the High Court nominated for the purpose by the Chief Justice and such Judge shall hear the case as a persona designata and his decision shall be final.

### **52. Restrictions on jurisdiction of Tribunal and Special Tribunal :-**

The jurisdiction of the Tribunal and the Special Tribunal shall be limited

(a) to the apportionment of the compensation among the persons referred to in Section 43 and the apportionment of the interim payments among the persons referred to in Section 50; and

(b) in cases falling under Section 47, to the division of the lands in respect of which a ryotwari patta may be granted under Section 12

or 14, and neither the Tribunal nor the Special Tribunal shall have jurisdiction to go into the question of the correctness of the determination, or the adequacy of the compensation.

**53. Disbursement of Compensation :-**

All payments made out of the compensation deposited in the office of the Tribunal under Section 41 shall be made by it in accordance with its orders and decisions, subject to the modifications, if any, made on appeal under Section 51.

**54. Interim payment to institutions :-**

(1) In cases governed by Section 38, after the notified date and before the sums payable to the religious, educational or charitable institutions concerned under sub-sections (1) and (2) of that section have been finally determined, the Government shall pay to the institution

(a) in respect of the fasli year in which the estate is notified, such sums as they may, on a rough calculation, determine to be payable to the institution under sub-sections (1) and (2) of Section 38.

Provided that the rents, if any, collected before the notified date by the institution from the ryots in respect of the fasli year aforesaid and any amount collected by it from the ryots in excess of the rent determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947), and outstanding to the credit of the ryots on the first day of the fasli year, shall be deducted.

(b) in respect of each subsequent fasli year, the sums determined under clause (a), unless data for the better calculation thereof have since become available, in which case the sums to be paid shall be revised by the Government with reference to such data.

Provided that if, for any reason, the whole or any portion of the rents and excess collections referred to in the proviso to clause (a) was not deducted in pursuance of that proviso, the amount remaining undeducted shall be deducted from the amount payable under this clause.

(2) After the sums payable to the institution under Section 38, sub-sections (1) and (2), have been finally determined, all interim payments made to the institution under sub-section (1) of this section together with such rents, if any, collected by it before the notified date and any amount collected by it from the ryots in

excess of the rent determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947), and outstanding to the credit of the ryots on the first day of the fasli year in which the estate is notified, shall be adjusted towards the sums so determined; and any deficiency shall be made good to the institution by the Government and any excess shall be deducted from the sums payable to it by the Government in any subsequent fasli year or years.

(3) If any interim payments under Section 50 or any advance compensation under Section 54-A has been paid to any institution before the commencement of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Andhra Pradesh (Amendment) Act, 1958, the amount so paid shall be recovered by adjustment from the amounts payable to the institution under sub-section (1) of this section or under Section 38 or both, in such proportion or instalments as the Government may deem fit.

Explanation:- For the purposes of this section, any amount collected by the Government on behalf of the institution as rent from the ryots in excess of the rent determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947) and paid to the institution shall be deemed to be an amount collected by the institution.

**54A. Advance payment of compensation and its apportionment, etc :-**

(1) In the case of every estate not governed by Section 38, the Government shall estimate roughly the amount of the compensation payable in respect of the estate, and deposit one half of that amount within six months from the notified date in the office of the Tribunal, as advance payment on account of compensation:

Provided that in the case of an estate notified before the commencement of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950, the deposit may be postponed to a date which is not later than the 30th day of June, 1950.

Provided further that where the notification issued under sub-section (4) of Section 1 in respect of an estate is cancelled under sub-section (5) of that section and the said estate is re-notified under sub-section (4) of that section, the amount of compensation

for the estate or each of the estates as re-notified shall be estimated afresh and the amount, if any, already deposited in respect of the estate as originally notified prior to its re-notification, shall be adjusted towards the estate or each of the estates as so re-notified, either wholly or in proportion to their respective basic annual sums, as the case may be, and all such adjustments shall be deemed to have been made on the date on which the respective amounts were actually deposited with the Tribunal and the additional amount, if any, that becomes payable to any person owing to such fresh estimation shall be paid to him in accordance with provisions of this Act.

(2) From the amount to be deposited under sub-section (1) the Government shall be entitled to deduct

(a) one-half of all moneys referred to in the first proviso to Section 41 (1); and

(b) one-half of the basic annual sum referred to in sub-section (3) of Section 50, if the deposit in pursuance of this section is made in the fasli year in which the estate is notified but after the interim payment in respect of that fasli year has been deposited under Section 50.

(3) On the making of a deposit in pursuance of this Section, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the amount deposited.

(4) The Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the amount deposited in pursuance of this section among the principal landholder and the other persons referred to in Section 42, as far as possible in accordance with the value of their respective interests; and the provisions of Sections 42 to 46 (both inclusive), 48,49,51,52 and 53 shall apply mutatis mutandis in respect of the amount so deposited.

(5)

(a) Notwithstanding anything contained in sub-sections (1) to (4), if data for the better calculation of the amount payable as advance compensation become available, the amount to be paid may be recalculated by the Government with reference to such data.

(b) Where any amount of advance compensation deposited in

respect of any estate under this section exceeds or is less than the amount as recalculated in accordance with clause (a), such amount available with the Tribunal may be withdrawn by the Government, and in the case of a deficiency the Government may deposit with the Tribunal such amount as may be necessary to make up the deficiency.

**54AA. Provisional payment of final compensation and its apportionment :-**

(1) Where the advance payment on account of the compensation referred to in Section 54-A has been deposited in the office of the tribunal in respect of any zamindari or undertenure estate referred to in sub-section (1) of section 54-B, but the amount of compensation payable for such estate is not finally determined under Section 39, the principal landholder or any other person referred to in sub-section (1) of Section 44 may make an application to the Tribunal in writing agreeing to receive immediately his share of the remaining half of the amount of compensation estimated under sub-section (1) of Section 54-A and undertaking not to receive, or to receive, a proportionate amount of the annual interim payment under Section 50. On receipt of such application, the Government may deposit, in the office of the Tribunal, bonds issued by them equal in value to the said share as determined by the Tribunal under sub-section (5) as a payment towards his share of the final compensation payable for such estate under this Act. Every application under this section shall be made within three months from the commencement of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1960.

(2) The bonds referred to in sub-section (1) shall be issued in multiples of Rs.100, and the balance, if any, less than Rs. 100 shall be adjusted when the compensation in respect of the estate is finally determined under Section 39. The bonds shall be negotiable and shall carry interest at the rate of three percent per annum and be redeemable over a period of ten years. Ten per cent of the value of each bond shall be redeemed each year.

(3) The aggregate of the amounts payable in bonds to all the persons referred to in sub-section (1) shall not exceed a sum of rupees one crore and if such aggregate exceeds rupees one crore, a proportionate reduction shall be made in the amount payable to each person so that the aggregate of the amounts payable in

respect of all such persons may be limited to the said sum of rupees one crore.

(4) On the making of a deposit in bonds in pursuance of this section, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the amounts deposited.

(5) On receipt of an application, the Tribunal shall after such inquiry as it thinks fit, determine the share of the principal landholder or the other person referred to in Section 42, so far as may be, in accordance with the value of his interest in the final compensation payable for the estate under the Act and the provisions of Sections 42 to 46 (both inclusive), 48, 49, 51, and 52 shall apply mutatis mutandis in respect of the determination of such share.

Explanation:- For the purpose of determination of such share, an amount equal to the amount of advance compensation specified under sub-section (1) of Section 54-A less the amount referred to in clauses (b) and (c) of the first proviso to sub-section (1) of Section 41, and any other sum remaining lawfully due to the Government, shall be deemed to have been deposited under sub-section (1) of Section 41.

(6) Where any payment made to any person in bonds under this section exceeds or is less than what he is finally entitled to after the final compensation is determined under this Act, the excess shall be recovered from the person concerned as an arrear of land revenue, or the deficiency shall be made good by deposit of the sum required by the Government in the office of the Tribunal after deducting therefrom any sum remaining lawfully due to the Government.

(7) Nothing contained in this section shall affect the of the landholder to additional compensation under Section 54-B. Additional Compensation.

#### **54B. Additional compensation and its apportionment :-**

(1) As soon as may be after the final determination of the amounts of compensation payable under Section 39 in respect of

(a) all the zamindari estates, and

(b) all the under-tenure estates in respect of which there is no



decision under Section 10 either of the Settlement Officer or of the Tribunal on appeal from the Settlement Officer, that they were estates created before the dates of the permanent or temporary settlement of the principal estates concerned or before the 13th day of July, 1802, as the case may be if it is found that the aggregate of such amounts falls short of twelve and a half crores of rupees, the Government shall be under an obligation to distribute among the zamindari estates and under tenure estates aforesaid an amount equal to that by which the aggregate so falls short, the sum payable in respect of each such estate being in proportion to the amount of compensation as finally determined in respect thereof under Section 39.

(2) The sum payable under sub-section (1) in respect of each such estate shall be deposited by the Government in the office of the Tribunal, and on the making of such deposit the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the sum deposited.

(3) The Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the sum deposited under sub-section (2) in respect of any estate among the principal landholder and the other persons referred to in Sections 42, as far as possible, in accordance with the value of their respective interests; and the provisions of Section 42 to 46 (both inclusive), 48,49,51,52 and 53 shall apply mutatis mutandis in respect of the sum so deposited:

Provided that no creditor shall be entitled to apply for the payment of any portion of the sum deposited as aforesaid in respect of which portion his claim has been satisfied on the date of such application.

**54C. Amounts which may be deducted under Section 41 recoverable as arrear of land Revenue :-**

Any sum representing the whole or any portion of the rents and excess collections referred to in clause (c) of the first proviso to sub-section (1) of Section 41, which cannot be adjusted by deduction under the said clause, shall be recoverable as if it were an arrear of land revenue.

**54D. Wrong and excess payments to be recoverable as arrear of land revenue :-**

Where any payment made to any person is subsequently found to be not due to him or to be in excess of the amounts due to him, the amount which is found to be not due or which is in excess, as

the case may be, with interest thereon at three percent per annum, or any portion thereof which cannot be otherwise adjusted by deduction from any amounts due to such person, shall be recoverable as if it were an arrear of land revenue.

**54E. Recovery of amount paid on cancellation of notification issued under Section 1 (4) :-**

If any amount has been paid to any person under this Act in pursuance of a notification issued under sub-section (4) of Section 1 and if such notification is subsequently quashed by order of Court or cancelled by the Government, the amount so paid, with interest thereon at three per cent per annum, shall be recoverable as if it were an arrear of land revenue.

**55. Collection of arrears of rent which accrued before the notified date :-**

(1) After the notified date, the land-holder shall not be entitled to collect any rent which accrued due to him from any ryot before, and is outstanding on, that date; but the manager appointed under Section 6 shall be entitled to collect all such rent and any interest payable thereon together with any costs which may have been decreed, as if they were arrears of land revenue; and there shall be paid to the landholder all amounts so collected, after deducting

(a) ten per cent thereof on account of collection charges;

(b) the arrears of peshkash, quit-rent, jodi or other amount, if any, of a like nature, due from the landholder to the Government; and

(c) the rent, if any, collected before the notified date by the landholder from the ryots in respect of the fasli year in which the estate is notified under this Act and any amount collected by the landholder from the ryots in excess of the rent determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947), and outstanding to the credit of the ryots on the first day of the fasli year.

Provided that any such rent, which accrued due in respect of the fasli year 1356 and earlier faslis, shall be reduced on the basis that the landholder is entitled in respect of each of those faslis, only to the rent as determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947:

Provided further that where the ryot

(a) has paid before the notified date or pays within two years of that date, or

(b) where the rate of rent for the land has not been fixed under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947, before the notified date, pays within two years of the date on which such rates of rent are fixed under that Act, the rent due for the fasli years 1356 and 1357 and any interest payable thereon together with any costs which may have been decreed, then, all arrears of rent due from such ryot in respect of all prior fasli years, including interest and costs, if any, shall be deemed to have been completely discharged.

Explanation :- Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under the A.P. (Andhra Area) Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947) and paid to the landholder shall, for the purpose of this sub-section, be deemed to be an amount collected by the landholder.

Provided also that in the case of an area which became an estate by virtue of the Andhra Pradesh (Andhra Area) Estates Land (Third Amendment) Act, 1936, or the Andhra Pradesh (Andhra Area) Estates Land (Amendment) Act, 1956, where the ryot,

(a) where the rate of rent for the land has been fixed by the Andhra Pradesh (Andhra Area) Estates Land (Reduction of Rent) Act, 1947, has paid before the notified date, or pays within two years of that date or within two years from the date of the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1965 whichever is later, or

(b) where the rate of rent for the land has not been fixed under the Andhra Pradesh (Andhra Area) Estates Land (Reduction of Rent) Act, 1947, before the notified date, pays within two years of the date on which such rate of rent is fixed under that Act or within two years from the date of the commencement of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1965, whichever is later, the rent due for the two fasli years immediately preceding the fasli year in which the estate is notified and any interest payable thereon together with any costs which may have been decreed, then, all arrears of rent due from such ryot in respect of all fasli years preceding the said two fasli

years, including interest and costs, if any, due on such arrears shall be deemed to have been completely discharged; but nothing in this proviso shall apply to areas which become estates by virtue of the Andhra Pradesh (Andhra Area) Estates Land (Amendment) Act, 1956 and the ryots in respect of which, had already availed themselves of the benefit of the discharge under sub-section (5) of Section 3-A of the Andhra Pradesh (Andhra Area) Estates Land (Reduction of Rent) Act, 1947.

(2) All amounts which the manager is entitled to collect under sub-section (1) shall be a first charge upon the land in respect of which such amounts are payable.

**56. Decision of certain disputes arising after an estate is notified :-**

(1) Where after an estate is notified, a dispute arises as to (a) whether any rent due from a ryot for any fasli year is in arrear or (b) what amount of rent is in arrear or (c) who the lawful ryot in respect of any holding is, the dispute shall be decided by the Settlement Officer.

(2) Any person deeming himself aggrieved by any decision of the Settlement Officer under sub-section (1) may, within two months from the date of the decision or such further time as the Tribunal may in its discretion allow, appeal to the Tribunal; and its decision shall be final and not be liable to be questioned in any Court of Law.

**57. Peshkash, Jodi and quit-rent :-**

Peshkash, Jodi or quitrent as the case may be, in respect of an estate shall cease to accrue with effect from the end of the fasli year immediately preceding the notified date.

**58. Payment of jodi, Kattubadi, etc., by landholder of inam village which is not an inam estate :-**

With effect on and from the date on which an estate is notified, the landholder of an inam village which is not an inam estate shall be liable to pay annually to the Government, such jodi, kattubadi or other amount of a like nature, as he was liable to pay to the landholder of the notified estate immediately before that date:

Provided that in respect of the fasli year in which the estate is notified, the jodi, kattubadi or other amount aforesaid shall be reduced by any payments made on that account before the notified

date, to the landholder of the notified estate, if such payments are authenticated in the prescribed manner.

**58A. Stay of execution proceedings and setting aside of certain Court sales and foreclosures :-**

(1) No Court shall, before the date on which the deposit in pursuance of Section-54A is made, order or continue execution in respect of any decree or order passed against the principal or any other landholder of an estate, against his interest in the estate or against his other immovable property, or against him personally by arrest and detention; and with effect on and from such date, execution in the cases aforesaid may be ordered or continued as specified in, and in accordance with the provisions of Section 59.

(2) Where in execution of any such decree or order, any interest in the estate or any other immovable property of the principal or any other landholder has been sold or foreclosed on or after the 19th April 1949, then, notwithstanding anything contained in the Indian Limitation Act, 1908, or in the Code of Civil Procedure, 1908, and notwithstanding that the sale has been confirmed, such landholder may apply to the Court within ninety days of the commencement of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951, to set aside the sale or foreclosure of the property; and the Court shall, if satisfied that the applicant is a landholder, order the sale or foreclosure to be set aside, and thereupon the sale or foreclosure shall be deemed not to have taken place at all;.

Provided that no such order shall be made without notice to the decree-holder, the auction purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter:

Provided further that the Court shall not order any such sale to be set aside, unless the Court is satisfied that the sale price was unduly low.

(3) Where a sale is set aside under sub-section (2), the purchaser shall be entitled to an order for repayment of any purchase money paid by him against the person to whom it has been paid:

Provided that no poundage shall be payable in respect of any such sale and provided further that where poundage has been collected, the Court shall direct the same to be refunded.

(4) All proceedings for the execution of any decree or order by the arrest and detention in prison of the principal or any other landholder of an estate, pending at the commencement of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951, shall stand dismissed, and if at such commencement the principal or any other landholder is detained in a prison in execution of any such decree or order, he shall be released forthwith.

(5) All alienations of immovable property made by the principal or other landholder of an estate on or after the 19th April, 1949, and before the notified date shall be invalid as against every creditor whose sale in execution or foreclosure decree has been set aside under sub-section (2) or who became entitled to rateable distribution of the proceeds of such sale under Section 73 of the Code of Civil Procedure, 1908.

Explanation:- Nothing contained in this sub-section shall apply to any alienation to which the provisions of either Section 18, sub-section (3), or Section 20 apply.

(6) Notwithstanding anything contained in any other law for the time being in force, no principal or other landholder of an estate shall, on or after the notified date and before the date on which the deposit in pursuance of Section 54-A is made, sell, mortgage, lease, or otherwise assign or alienate any of his immovable property, and any transaction of the nature hereby prohibited shall be void and inoperative and shall not confer or take away any whatever on or from any party to the transaction.

### **59. Transitional provision in regard to other liabilities of landholder, etc :-**

(1) No claim or liability enforceable immediately before the notified date against the principal or any other landholder of an estate, or against any other person whose rights stand transferred to the Government in pursuance of Section 3, clause (b), shall, on or after that date, be enforceable against the interest he had in the estate; and all such claims and liabilities shall after the date on which the deposit in pursuance of Section 54-A is made be enforceable.

(a) against the interim payments or the compensation or other sums paid or payable to him under this Act, to the same extent to which such claims and liabilities were enforceable against his interest in the estate immediately before the notified date; and

(b) against his other property, if any, to the same extent to which such claims and liabilities were enforceable against such property immediately before the notified date.

(2) No Court shall, on or after the notified date, order or continue execution in respect of any decree or order passed against the principal or any other landholder or any other person aforesaid, against the interest he had in the estate; and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1), only as against the interim payments or against the compensation or other sum or sums paid or payable to him as aforesaid, or against his other property, if any.

(3) No Court shall, in enforcing any claim or liability against the principal or any other landholder or any other person aforesaid, allow interest at a rate exceeding six percent per annum simple interest for the period commencing on the notified date and ending with the date on which the deposit in pursuance of Section 54-A is made.

#### **60. Provisions for existing estate staff :-**

Notwithstanding any law, custom, or contract to the contrary, the following provisions shall apply in regard to the persons employed in the administration of any estate immediately before the notified date.

(1) The Government shall have power to terminate the services of any such person after giving him one calendar month's notice or paying him one month's pay in lieu of such notice.

(2) Persons whose services are retained shall be governed by such rules as the Government may make in regard to them.

#### **61. Maintenance by Government of institutions maintained by landholder :-**

Every educational or other charitable institution which was being maintained during the three fasli years 1354, 1355, and 1356, by any landholder of an estate may, with effect on and from the notified date, be maintained by the Government if they think fit.

#### **62. . :-**

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#### **63. Decision of questions regarding forests :-**

If any question arises whether any land in an estate is a forest or is

situated in a forest, or as to the limits of a forest, it shall be determined by the Settlement Officer, subject to an appeal to the Director within such time as may be prescribed and also to revision by the Board of Revenue.

**63A. Decision under Sec. 63 to have over-riding effect :-**

Notwithstanding any judgment, decree or order of a Court, tribunal or other authority

(a) the decision of -

(i) the Settlement Officer under Section 63, if no appeal or revision is preferred;

(ii) the Director, if no revision is filed;

(iii) the Board of Revenue in revision;

(b) Where a final decision as aforesaid is given under Section 63 either before or after an order is passed, or a decision is given by any tribunal or other authority under Sec.11 or Sec.15, the said final decision shall prevail over such order or decision of the tribunal or other authority.

**64. Rights of owner or occupier not to be affected by temporary discontinuance of possession or occupation :-**

(a) Where a person is entitled to the ownership or to the possession or occupation of any land or building immediately before the notified date, but has transferred his to the possession or occupation thereof or has been temporarily dispossessed or deprived of his to the occupation thereof; and

(b) has not on that date lost his to remove the possession or occupation of such land or building; he shall, for the purposes of this Act and subject to the provisions thereof, be deemed to be the owner, or to be in possession or occupation, of such land or building;

Provided that any lawful transferee of the to the possession or occupation of such land or building shall, save as otherwise expressly provided in this Act, continue to have the same rights against his transferor, as he had immediately before the notified date:

Provided further that any lawful transferee of the title to such land or building shall be entitled to all the rights under this Act of his



transferor.

**64A. Resjudicata :-**

(1) The decision of a Tribunal or Special Tribunal in any proceeding under this Act, or of a Judge of the High Court hearing a case under Section 51 (2), on any matter falling within its or his jurisdiction shall be binding on the parties thereto and persons claiming under them, in any suit or proceeding in a Civil Court in so far as such matter is in issue between the parties or persons aforesaid in such suit or proceeding.

(2) The decision of a Civil Court (not being the Court of a District Munsif or a Court of Small Causes) on any matter falling within its jurisdiction shall be binding on the parties thereto and persons claiming under them in any proceeding under this Act before a Tribunal or Special Tribunal, or a judge of the High Court under Section 51 (2), in so far as such matter is in issue between the parties or persons aforesaid in such proceeding.

**64B. Saving of limitation :-**

In computing the period of limitation for any suit or application filed in a Civil Court by a creditor in respect of any matter which was the subject of a proceeding under any of the following sections, namely, 42,43,44,45,46,48,49,50,51, 54-A and 54-B, the period commencing on the notified date and ending with the date on which the deposit in pursuance of Section 54-A is made, and the time during which such proceedings were pending as well as the time taken for obtaining certified copies of the order passed in such proceeding shall be excluded.

**65. Jurisdiction of Courts barred in certain cases :-**

(1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2)

(a) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder, without the previous sanction of the Government.

(b) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act

was done in good faith in the course of the execution of the duties, or the discharge of the functions imposed by or under this Act.

(3) No suit, prosecution, or other proceeding shall be instituted against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder, after the expiry of six months from the date of the act complained of.

## **66. Repeals :-**

(i) With effect on and from the notified date the A.P. (Andhra Area) Impartible Estates Act, 1904, shall be deemed to have been repealed in its application to the estate, if the estate had been governed by that Act immediately before that date; and

(ii) the A.P. (Andhra Area) Tenants and Ryots Protection Act, 1946 shall be deemed to have been repealed in its application to private lands in the estate.

## **67. Power to make rules :-**

(1) Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for -

(a) all matters expressly required or allowed by this Act to be prescribed.

(b) the procedure to be followed by the Tribunals, Special Tribunal, authorities and officers appointed, or having jurisdiction, under this Act;

(c) the delegation of the powers conferred by this Act on the Government or any other authority, officer or person;

(d) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf has been made herein;

(e) the application of the provisions of the Code of Civil Procedure, 1908, and the Indian Limitation Act, 1908, to applications, appeals and proceedings under this Act;

(f) the fees to be paid in respect of applications and appeals under this Act;

(g) the filling up of vacancies in Tribunals;

(h) the transfer of proceedings from one authority or officer to another.

**68. Power to remove difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.