

**ANDHRA PRADESH (ANDHRA AREA) ESTATES COMMUNAL,
FOREST AND PRIVATE LANDS (PROHIBITION OF
ALIENATION) ACT, 1947**

14 of 1947

[25th October, 1947]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Prohibition of the alienation of communal, forest and private lands in estate
4. Transactions of the nature specified in Section 3 to be void
5. Power to enhance jurisdiction of class magistrates to impose fines
6. District Collector to sanction prosecutions
7. Bar of jurisdiction
8.
9. Power to remove difficulties

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An Act to prohibit the alienation of communal, forest and private lands in estates in the {Andhra Area of State of Andhra Pradesh}. Whereas it is necessary to prevent the indiscriminate alienation of communal, forest and private lands in estates in the {Andhra Area of State of Andhra Pradesh} pending the enactment of legislation for acquiring the interests of landholders in such estates and introducing the ryotwari settlement therein ; It is hereby enacted as follows :

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh (Andhra Area) Estates Communal, Forest and Private Lands (Prohibition of Alienation) Act, 1947.

(2) It extends to all estates in the {Andhra Area of the State of Andhra Pradesh} governed by the {Andhra Pradesh (Andhra Area) Estates Land Act, 1908.}

(3) It shall come into force at once.

2. Definitions :-

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

(a) "estate", "landholder", "private land" and "ryoti land" shall have the same respective meanings as in the * {Andhra Pradesh (Andhra Area) Estates Land Act, 1908,} and "communal land" means any land of the description mentioned in Section 3, Clause (16), sub-clause (a) or sub-clause (b), of that Act ;

(b) "forest land" includes any waste land containing trees and shrubs, pasture land, and any other class of land declared by the State Government to be forest land by notification in the Andhra Pradesh Gazette;

(c) "impartible estate" means any estate included in the Schedule to the Andhra Pradesh Impartible Estates Act, 1904, or subsequently declared to be an impartible estate within the meaning of that Act, by an Act of the Legislature.

3. Prohibition of the alienation of communal, forest and private lands in estate :-

(1) Notwithstanding anything contained in any other law for the time being in force, no landholder shall sell, mortgage, convert into ryoti land, lease, or otherwise assign or alienate

(a) any communal or forest land in his estate without the previous sanction of the District Collector, on or after the date on which the Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Ordinance, 1947, came into force, namely, the 27th day of June, 1947, or

(b) any private land in an impartible estate notified by the State Government in the Andhra Pradesh Gazette, in pursuance of this clause or the corresponding clause in the Ordinance aforesaid, on or after the date on which the estate was so notified :

Provided that private land in an impartible estate so notified may be leased for a period not exceeding two years.

(2) Any landholder who has contravened or contravenes the provisions of sub-section (1) and any agent of the landholder who has abetted or abets such contravention shall be punishable with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

4. Transactions of the nature specified in Section 3 to be void :-

(1) Any transaction of the nature prohibited by Section 3 which took place in the case of any communal or forest land, on or after the 31st day of October, 1939, and in the case of any private land in a notified estate, on or after the 1st day of November, 1945, shall be void and inoperative and shall not confer or take away, any whatever on or from any party to the transaction : Provided that nothing contained in this sub-section shall be deemed to invalidate

(i) any such transaction in respect of any forest land entered into before the 27th day of June, 1947, in favour of any religious, charitable or educational institution, or of any hospital, or of any local board, municipal council, or co-operative society registered or deemed to be registered under the * {Andhra Pradesh (Andhra Area) Co-operative Societies Act, 1932,} or of any other public body or institution;

(ii) any such transaction in respect of any private lands entered into before the date on which the impartible estate in which the land is situated is notified as specified in Section 3 (1) (b), in favour of any religious, charitable or educational institution, or of any hospital, or of any local board, municipal council or co-operative society registered or deemed to be registered under the * {Andhra Pradesh (Andhra Area) Co-operative Societies Act, 1932,} or of any other public body or institution.

(iii) any such transaction in respect of any forest or private land not exceeding twenty acres in extent, entered into, in the case of forest land, before the 27th day of June, 1947, and in the case of private land, before the date on which the impartible estate in which the land is situated is notified as aforesaid;

(iv) any such transaction in respect of any forest or private land exceeding twenty acres in extent, entered into before the respective dates specified in clause (iii), upto a limit of twenty acres chosen by the assignee or alienee, the choice being limited as far as possible to contiguous land ;

(v) any such transaction in respect of any forest or private land entered into before the respective dates specified in clause (iii), in favour of an assignee or alienee in good faith and for valuable consideration.

(2) Any choice made under clause (iv) of the proviso to sub-section (1) shall be communicated to the Collector of the district or such officer as may be authorised by him, in the case of forest land within three months from the date on which this Act comes into force and in the case of private land, within three months from that date or from the date on which the impartible estate is notified as aforesaid, whichever is later.

(3) If any dispute arises as to the validity of the claim of any person to any land under clauses (i) to (v) of the proviso to sub-section (1), it shall be open to such person or to any other person interested in the transaction or to the State Government, to apply to the District Judge of the district in which the land is situated, for a decision as to the validity of such claim.

(4) The District Judge to whom an application is made under sub-section (3) shall after giving notice to all the other persons concerned in the transaction or interested in the land and also, where the application is not made by the State Government, to the State Government, decide whether the claim to the land is valid or not ; and his decision shall be final.

(5) The State Government may, by notification, in the Andhra Pradesh Gazette, make rules for the purpose of carrying the provisions of this section into effect, and in particular as to the fees to be paid in respect of the applications referred to in sub-section (3), and the procedure of the District Judge.

5. Power to enhance jurisdiction of class magistrates to impose fines :-

Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898, it shall be lawfull for any Magistrate of the Class specially empowered by the State Government in this behalf to impose a sentence of fine exceeding one thousand rupees for any offence under Section 3.

6. District Collector to sanction prosecutions :-

No prosecution shall be instituted under this Act against any person without the previous sanction of the District Collector.

7. Bar of jurisdiction :-

No notification or order of the State Government or of the District Collector under this Act shall be liable to be questioned in any Court of law.

8. . :-

Omitted

9. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty. RULES G.O.Ms. No. III, Revenue, dated 20-1-1948, published in the R.S. to Part-I of Fort St. George Gazette, dated 27-1-1948.

1. In these rules, the Act' means the "Andhra Pradesh (Andhra Area) Estate Communal, Forest and Private Lands(Prohibition of Alienation) Act, 1947".

2. Every application under Section 4(3) of the Act shall be in writing and shall be signed and verified by the applicant.

3. The application shall be stamped with Court-fee stamps to the value of rupees fifteen.

4. Every application shall contain the following particulars:

(a) Name of the estate.

(b) Name of the applicant and whether he is the landholder or other person interested,

(c) Address of applicant for service of notices.

(d) Name or names of any persons added as respondents.

(e) Address of each respondent for service of notices.

(f) Name of the district, taluk and village in which the land is situated.

(g) Survey numbers and extent of the land, if surveyed. If not surveyed, name, description and extent of the land with its boundaries.

(h) Classification of the land (i.e., whether forest, communal or private lands). If it is a communal land, the purpose served by it.

(i) Nature of the interest which the applicant has in the land.

(j) Question as to which the decision is sought and relief prayed for.

5

(1) The provisions of the Code of Civil Procedure, 1908, relating to

(a) the proof of facts by affidavit,

(b) the enforcing of the attendance of any person and his examination on oath,

(c) the enforcing of the production of documents and the marking of documents as exhibits, and

(d) the issuing of commissions, shall apply to all proceedings under Section 4(4) of the Act and provisions relating to the service of summonses shall apply to the service of notices thereunder.

(2) The provisions of the said Code relating to the execution of decrees shall, so far as they are applicable, apply to the execution of orders under Section 4(4) of the Act.

6

(1) The District Judge to whom an application is made under Section 4(3) of the Act may grant copies of the documents filed, evidence recorded or orders passed in the proceedings before him in respect of such application.

(2) The rules for the time being in force in Civil Courts in the State of Andhra Pradesh in regard to the grant of copies of documents filed, evidence recorded or orders passed in the proceedings of such Courts, shall, so far as may be, apply to the grant of copies under sub-rule (1).

7 All notices under Section 4(4) of the Act to the Provincial Government shall be served on the Collector of the district.