

## **Andhra Pradesh (Andhra Area) Estates Land (Temporary Amendment) Act, 1944**

**1 of 1944**

**[18 January 1944]**

### CONTENTS

1. Short Title
2. Right Of Landholder To Admit Person To Temporary Possession Of Ryoti Land In Certain Cases
3. Power To Make Rules
4. Application Of Act I Of 1908

## **Andhra Pradesh (Andhra Area) Estates Land (Temporary Amendment) Act, 1944**

**1 of 1944**

**[18 January 1944]**

An Act temporarily to amend 2[the Andhra Pradesh (Andhra Area) Estates Land Act, 1908]. Whereas it is expedient temporarily to amend 2[the Andhra Pradesh (Andhra Area) Estates Land Act, 1908], for the purpose of increasing the production of food 3[\* \* \*] in estates situated in the 4[Andhra Area) of the State of Andhra Pradesh] 5[It is hereby enacted as follows.-- 1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 31st August 1943, Part IV-A, p. 76. 2. Substituted for the original short title by A.P. Act IX of 1961. 3. The words "in the present emergency" were omitted by Section 3 of and the second Schedule to Act VIII of 1948. 4. The words "State of Andhra" were Substituted for the words "Province of Madras" by the A.A.O. 1953 and these words were Substituted for the words "State of Andhra" by A.P. Act IX of 1961. 5. Substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by Section 5 of Act VIII of 1948.

### **1. Short Title :-**

This Act may be called 1[the Andhra Pradesh (Andhra Area) Estates

Land (Temporary Amendment) Act, 1944].

1 . For Statement of Objects and Reasons, see Fort St. George Gazette, dated 31st August 1943, Part IV-A, p. 76.

## **2. Right Of Landholder To Admit Person To Temporary Possession Of Ryoti Land In Certain Cases :-**

Notwithstanding anything contained in 1[the Andhra Pradesh (Andhra Area) Estates Land Act, 1908] (hereinafter referred to as the said Act), it shall be open to a landholder as defined in that Act, 2[\* \* \*] to admit any person to temporary possession of ryoti land situated in his estates and not already in the possession of a ryot or tenant, subject to the following conditions and to such further conditions, if any, as may be notified by the 3[State] Government.--

(i) The person so admitted (who shall be deemed to be a ryot within the meaning of the said Act and is hereinafter referred to as such) shall be entitled to be in possession of the land only for such period, not being less than three nor more than five years, as may be agreed upon between him and the landholder.

(ii) Only food crops, that is to say, crops notified by the 4[State] Government as food crops for this purpose, shall be raised on the land.

(iii) The whole of the land shall be brought under cultivation within a period of two years from the date on which the ryot is admitted to possession thereof.

(iv) (a) Except with the previous consent in writing of the landholder, the ryot shall not sell, mortgage, lease or otherwise transfer any interest in the land or any portion thereof.

(b) The ryots interest in the land shall not be liable to attachment or sale in execution of a decree or order of a Court.

(v) The ryot shall pay rent at such rate, if any, as may be agreed upon between him and the landholder, provided that such rate shall not exceed--

(a) in the case of any land exceeding one hundred rupees per acre in value, or commanded by an irrigation project, or in the case of an irrigated land or land situated in the ayacut of an irrigation source, the lowest rate prevailing for similar lands with similar advantages in the neighbourhood, or in case such rate cannot be ascertained, the rate which the Collector may, on application, decide to be fair and equitable; and

(b) in the case of any other land, the lowest rate for dry lands

prevailing in the village, or in case such rate cannot be ascertained, the rate which the Collector may, on application, decide to be fair and equitable;

Explanation I.--The provisions of the said Act shall apply to an application under sub-clause (a) or sub-clause (b) of this clause, as if such application were one made under the first paragraph of Sections 25 of the said Act.

Explanation II.-- The rent payable under this clause shall be exclusive of any water-cess leviable from the ryot under 1[the Andhra Pradesh (Andhra Area) Irrigation Cess Act, 1865].

Explanation III.-- The landholder shall not be entitled to receive from the ryot anything more than the rent payable under this clause in respect of his tenancy for the period agreed upon under clause (i) ; and in particular, the landholder shall have no right to receive any premium or consideration by way of premium in respect of such tenancy.

(vi) The ryot shall quit the land at the expiry of the period agreed upon under clause (i); unless the landholder authorizes him in writing to continue in possession thereof, in which case he shall be deemed to have been admitted by the landholder to possession of the land within the meaning of Section 6(1) of the said Act on the date of such expiry, and shall accordingly have a permanent right of occupancy therein with effect on and from such date.

When authorizing the ryot as aforesaid, the landholder may receive a premium from the ryot, but a ryot so authorized shall under no circumstances become liable to make any payment to the landholder after the date aforesaid by way of premium or other consideration for such authorization; nor shall the land be subjected to any charge in respect of any such premium or consideration or part thereof.

(vii) The provisions of Section 151 of the said Act shall have effect as if for sub-section (1) thereof the following sub-section were substituted, namely.--

"(1) The landholder may institute a suit before the Collector to eject the ryot from the land only on one or more of the following grounds, namely.--

(a) that the ryot has materially impaired the value of the land of agricultural purposes and rendered it substantially unfit for such purposes.

(b) that the period agreed upon under clause (i) of Section 2 of 1[the Andhra Pradesh (Andhra Area) Estates Land (Temporary Amendment) Act, 1944], has expired and the ryot has not been

authorized to continue In possession of the land under clause (vi) of that section, and

(c) that the ryot has broken any of the conditions specified in, or notified under Section 2 of the Act aforesaid.

(viii) If the ryot has made any improvements in respect of the land during the period agreed upon under clause (i), the following provisions shall apply.--

(a) The liability of the ryot to be ejected from the land in accordance with the provisions of the said Act, as modified by clause (vii), shall not in any way be affected, nor shall the ryot be entitled to claim any compensation in respect of the improvements;

(b) If however the ryot obtains a permanent right of occupancy in the land at the expiry of the period aforesaid, the rent payable by him shall be determined without taking the improvements into consideration ; but the landholder shall have the right to pay compensation to the ryot for the improvements, in which case the rent shall be determined after taking the improvements into consideration.

1. Substituted for the original short title by A.P. Act IX of 1961.

2. The words "at any time during the continuance of the present war or within a period of one year from the termination thereof" were omitted by Section 3 of and the Second Schedule to Act VIII of 1948.

3. Substituted for the word "Provincial" by the A.O. 1950.

4. The words "in the present emergency" were omitted by Section 3 of and the second Schedule to Act VIII of 1948.

### **3. Power To Make Rules :-**

The 1[State] Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may adapt or modify the provisions of the said Act in their application to all or any cases governed by this Act ; or declare any such provision to be inapplicable thereto.

(3) All rules made under this section shall be published in the 2[Andhra Pradesh Gazette] and upon such publication shall have effect as if enacted in this Act.

1. Substituted for word "Provincial" by the A.O. 1950.

2. The words "Andhra Gazette" were Substituted for words "Fort St. George Gazette" by the A.A.O. 1953 and these words were Substituted for the words "Andhra Gazette "by the A.P.A.O. 1957.

#### **4. Application Of Act I Of 1908 :-**

The provisions of the said Act shall apply to all cases governed by this Act, save as otherwise expressly provided herein or in rules made hereunder.