

ANDHRA PRADESH (TELANGANA AREA) ABOLITION OF INAMS ACT, 1955

8 of 1955

[20th July, 1955]

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An Act to abolish Inams in the Telangana area of the State of Andhra Pradesh. Whereas it is expedient in public interest to provide for the abolition of inams, (.....) in the Telangana area of the State of Andhra Pradesh and for other matters connected therewith; BE it enacted in the Fifth Year of the Our Republic as follows :

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955.

(2) It extends to the whole of the Telangana area of the State of Andhra Pradesh and shall apply to all inams as defined in clause (c) of sub-section (1) of Section 2.

*

2. Definitions :-

(2) Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Land Revenue Act, 1317 Fasli, the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, Act XXI of 1950 and the Andhra Pradesh (Telangana Area) Atiyat Enquiries Act 1952, Act X of 1952 and the rules thereunder.

CHAPTER 2

Abolition and vesting of inams and the consequences thereof

3. Abolition and vesting of inams and the consequences thereof :-

(1) Notwithstanding anything to the contrary contained in any usage, settlement, contract, grant, sanad, order or other instrument, Act, regulation, rules or order having the force of law and notwithstanding any judgment, decree or order of a Civil, Revenue or Atiyat Court, and with effect from the date of vesting, all inams * (.....) shall be deemed to have been abolished and shall vest in the State.

(3) Nothing contained in sub-sections (1) and (2) shall operate as a bar to the recovery by the inamdar of any sum which becomes due to him before the date of vesting by virtue of his rights as inamdar and any such sum shall be recoverable by him by any process of law, which, but for this Act, would be available to him.

4. Registration of Inamdars as occupants :-

(2) No inamdar shall be registered as an occupant of any land under sub-sec. (1) unless he pays to the Government as premium an amount equal to twenty-five times the difference between the jodi or quit-rent, if any, paid by him and the land revenue payable in respect of such land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, shall be recoverable as arrears of land revenue due on the land in respect of which it is payable.

(3) The inamdar shall be entitled to compensation from the Government as provided for under this Act in respect of inam lands in his possession in excess of the time limit specified in sub-section (1) whether cultivated or not.

(4) * (.....)

5. Registration of kabiz-e-kadim as occupant :-

(1) Every Kabiz-e-Kadim shall, with effect from the date of vesting, be entitled to be registered as an occupant in respect of such inam lands in his possession which were under his personal cultivation and which together with any lands he se tely owns and cultivates personally, are equal to four and a half times the family holding.

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(2) The Kabiz-e-Kadim tenant shall be entitled to compensation from the Government as provided for under this Act in respect of inam Lands in his possession in excess of the limit specified in sub-section (1) whether cultivated or not.

6. Registration of permanent tenants as occupants :-

(1) Every permanent tenant shall, with effect from the date of vesting, be entitled to be registered as an occupant in respect of such inam lands in his possession as may be left over after the allotment under section 4, which immediately before the date of vesting were under his personal cultivation and which together with any lands he se tely owns and cultivates personally, are equal to four and a half times the family holding .

(2) The permanent tenant shall be entitled to compensation from the Government as provided for under this Act in respect of inam lands in his possession in excess of the limit in sub-section (1) whether cultivated or not.

(3) No permanent tenant shall be registered as an occupant of any land under sub-section (1) unless he pays to the Government as premium an amount equal to twenty-five times the land revenue for dry land and nine times for wet land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, shall be recoverable as arrears of land revenue due on the land in respect of which it is payable.

7. Registration of protected tenants as occupants :-

(1) Every protected tenant shall, with effect from the date of vesting be entitled to be registered as an occupant of such inam lands in his possession as may be left over after the allotment

under section 4, which were under his personal cultivation and which, together with any lands he separately owns and cultivates personally, are equal to four and a half times the family holding .

(3) No protected tenant shall be entitled to be registered as an occupant under sub-section (1) unless he pays to the Government as premium an amount equal to forty times the land revenue for dry land and thirteen times for wet land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment shall be recoverable as arrears of land revenue due on the land in respect of which it is payable.

8. Registration of non-protected tenant as occupant :-

Every non-protected tenant shall, with effect from the date of vesting subject to section 37 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 Act (XXI of 1950) be entitled to be registered as an occupant of such inam lands in his possession as may be left over after the allotment under section 4 which, immediately before the date of vesting were under his personal cultivation and which together with any lands he separately owns and cultivates personally, are equal to four and a half times the family holding.

(2) The non protected tenant shall be entitled to compensation from the Government as provided for under this Act in respect of inam lands in his possession in excess of the limit prescribed in sub-section (1) whether cultivated or not.

(3) Non non-protected tenant shall be registered as an occupant of any land under sub-section (1) unless he pays to the Government as premium an amount equal to sixty times the land revenue for dry land and twenty times for wet land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, shall be recoverable as arrears of land revenue due on the land in respect of which it is payable.

9. Vesting of certain buildings and inam lands used for non-agricultural purposes :-

(1) Every private building situated within an inam shall with effect from the date of vesting, vest in the person who owned it immediately before that date.

(2) Where an inam land has been converted for any purpose unconnected with agriculture, the holder of such land shall be entitled to keep the land provided that such conversion was not void or illegal under any law in force.

(3) The vesting of private buildings or lands under sub-section (1) or (2) shall be subject to the payment of non-agricultural assessment that may be imposed by Government, from time to time.

10. Enquiry by Collector in certain cases :-

The Collector shall examine the nature and history of all lands in respect of which an inamdar kabiz-e-kadim, permanent tenant, protected tenant or non-protected tenant, claims to be registered as an occupant under sections 4,5,6,7 and 8 as the case may be, and decide

(a) in whose favour, and in respect of which inam lands, the claims should be allowed:

(b) the land revenue and the premium payable in respect of such lands.

11. Savings of rights in certain cases :-

(1) Where before the date of vesting an inamdar has created, either by way of lease or otherwise, any right in any inam land which vests in State other than the lands specified in clauses (a) and (c) of sub-section (1) of section 4, 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 date of vesting, shall be enforceable by or against the Government. Provided that the transaction was not void or illegal under any law in force : Provided further that where such right was created in any lands, other than the lands specified in clauses (a) to (c) of sub-section (1) of section 4 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 right 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 right has been terminated by the Government under the foregoing proviso shall be entitled to compensation from the Government equal to the estimated net income which would have accrued to such person from the land for

the unexpired portion of the period for which the right was created, having regard to all the circumstances of the case

CHAPTER 3

Determination, Apportionment and Payment of Compensation

12. Determination of compensation payable to the inamdar

:-

The compensation payable to the inamdar for the inams abolished under Section 3 shall be the aggregate of the sums specified below

:-

(i) in respect of inam lands registered in the name of the inamdar and kabiz-e-kadim under Sections 4 and 5, a sum equal to twenty times the difference between land revenue and judi or quit-rent;

(ii) in respect of income accruing to the inamdar from the lands registered in the names of his permanent tenant, protected tenant and non-protected tenant a sum equal to sixty per cent of the premium charged, as the case may be, under Sections 6,7 and 8.

13. . :-

Notwithstanding anything contained in this Act, or any other law for the time being in force, if any, permanent tenant, protected tenant or non-protected tenant has, prior to the date of vesting, paid any consideration to the inamdar for obtaining the right of possession and the said amount is equal to 60 per cent or more of the premium chargeable under Sections 6,7 and 8, he would be entitled to the deduction only to the extent of 60 per cent and if the said amount is less than 60 per cent of the premium he would be entitled to deduction to the extent of the amount actually paid by him. The amount so deducted from the premium shall be adjusted towards the compensation payable to the Inamdar under clause (ii) of section 12.

14. Determination of compensation in respect of excess lands taken over under Sections 4 to 8 :-

The compensation payable to inamdar, kabiz-e-kadim, permanent, protected tenant or non-protected tenant for Inam lands in their possession before the date of vesting and taken over by Government in excess of four and a half times the family holding under Sections 4,5,6,7 and 8 respectively, shall

15. Payment of compensation :-

(1) The compensation shall be due as from the date of vesting and

shall carry interest at the rate of two and three-fourths per cent per annum from the date of vesting to the date of payment.

16. Interim payment :-

Where the amount of compensation is not paid within a period of six months from the date of vesting, the Government shall, subject to such restrictions and conditions as to security repayment or otherwise as may be prescribed, direct the payment of interim compensation which shall be equal to one-tenth of the estimated amount of compensation.

17. Collector to determine total compensation :-

(1) The Collector shall determine in accordance with such of the foregoing provisions, the total compensation payable in respect of an inam.

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

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

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar or other person interested and also to every applicant under sub-section (2).

18. Notice to persons interested in compensation :-

(2) Any claim in respect of the compensation which is not made to the Collector within the time aforesaid shall cease to be enforceable except where the Collector for sufficient cause permits a claim to be made beyond the said period.

19. Apportionment of compensation :-

The Collector shall, after giving notice to all persons who claim under Section 18, and to any others whom he considers to be interested, make an enquiry into the validity of the claims received by him, and determine the persons, who, in his opinion, are entitled to the compensation and the amount to which each of

them is entitled.

20. Procedure for apportionment :-

(1) As a preliminary to such determination, the Collector shall apportion the compensation among the inamdar and any other persons whose rights or interests in the inam have passed to and vested in the Government under clause (b) of Section 3 including persons who are entitled to be maintained from the inam and its income, as far as possible, in accordance with the value of their respective interests in the inam.

(2) The value of the interest shall be ascertained in such manner as may be prescribed.

21. Claims of creditors :-

(1) After the compensation has been apportioned among the persons referred to in Section.20 or where it is more convenient to do so, pending the apportionment, the Collector shall take into consideration the applications of the secured creditors referred to in Section 17 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.

(2) The amount of compensation payable by the Government to secured creditors on account of holding any mortgage or charge, notwithstanding anything contained in any law for the time being in force, shall not exceed the amount of compensation payable in respect of the inam or portion thereof.

22. 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 Collector shall determine whether there has been any devolution of the interest and, if so, on whom.

CHAPTER 4

Appeal, reference and revision

23. Constitution of Special Tribunals and their powers :-

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

(2) Each Special Tribunal shall consist of an officer of a rank not

less than that of a District Judge.

(3) Each Special Tribunal shall hold its sittings at such times and places, and shall have such jurisdiction, and over such local areas as the Government may, by notification, from time to time, determine.

(4) No order of the Government constituting a Special Tribunal under this section shall be called in question in any manner whatsoever.

(5) The Special Tribunal shall have the same power regarding summoning and attendance of witnesses and compelling the production of documents as a Civil Court under the Code of Civil Procedure, 1908.

24. (1) Any person aggrieved by a decision of the Collector under Section 10 may, within thirty days from the date of decision, or such further time as the prescribed authority may for sufficient cause allow, appeal to the prescribed authority and its decision shall be final. :-

(2) If any question arises whether any building or land falls within the scope of Section 9 the same shall be referred to the prescribed authority whose decision shall be final.

25. References to the Special Tribunal :-

The Collector may, for reasons to be recorded in writing either suo moto, or on the application of any person interested in the compensation, refer any case relating to the apportionment of compensation to the decision of the Special Tribunal.

26. Appeals to the Special Tribunals :-

Any person aggrieved by any decision of the Collector under Sections 19,20,21 or 22 within thirty days from the date of decision, or such further time as the Special Tribunal may for sufficient cause allow, appeal to the Special Tribunal.

27. Appeal to the High Court :-

Any person aggrieved by any order of the Collector made under sub-section (1) of Section 18 or by any decision of the Special Tribunal under Sections 25 and 26 may, within three months from the date of the order or decision or such further time as High Court may for sufficient cause allow, appeal to the High Court; and the High Court shall pass such order on the appeal as it thinks fit.

Provided that the total compensation payable in respect of any inam shall not be reduced by the High Court without giving every inamdar concerned and every person, who has made an application under sub-Section (2) of Section 17 a reasonable opportunity of being heard.

28. Revision :-

Notwithstanding anything contained in this Act or any other law for the time being in force, an application for revision shall lie to the High Court from any order passed or proceedings taken by the Collector (except those referred to in section 24, or by the Special Tribunal under this Act on the following grounds that the original or appellate authority :

- (a) exercise a jurisdiction not vested in it by law;
- (b) failed to exercise a jurisdiction so vested;
- (c) acted illegally or with material irregularity in following the procedure or passing the order.

29. Savings :-

Save as otherwise provided in this Act, no order passed by the Collector or by the Special Tribunal under this Act shall be liable to be cancelled or modified except by the High Court as aforesaid or be questioned in any Court of law.

CHAPTER 5

Miscellaneous

30. Enquiries by the Collector :-

(1) The Collector may, by general or special order authorise any officer not below the rank of a Tahsildar subordinate to him to hold enquiries on his behalf under this Act.

(2) In respect of every enquiry under this Act by the Collector or any Officer authorised under sub-section (1), the provisions of the Land Revenue Act, 1317 Fasli, relating to formal enquiry shall apply as if such enquiry is a formal enquiry under the said Act.

31. Fee payable on applications and petitions :-

Notwithstanding anything contained in the Hyderabad Court Fees Act, 1324 Fasli, or any other law for the time being in force, the fees payable on any application, memorandum of appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

32. Indemnity :-

No suit or other proceeding shall lie against the Government or any person or in respect of anything which is in good faith done or intended to be done under this Act.

33. Savings :-

Nothing in this Act shall in any way be deemed to affect the application of the provisions of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, (Act XXI of 1950) to any inam or the mutual rights and obligations of an inamdar and his tenants, save in so far as the said provisions are in any way inconsistent with the express provisions of this Act.

34. Repeal :-

With effect on and from the date of vesting the Hyderabad Enfranchised Inams Act, 1952, shall be deemed to have been repealed.

35. Power to make rules :-

(1) The Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(3) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Act.

36. Penalties :-

(1) Any person who wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order or offers resistance or obstruction to the taking by the Collector of charge or possession of any property which has vested in the State under this Act or furnishes information which he knows or has reason to believe to be false or does not believe to be true, shall, on conviction by a Magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Collector of the District.

37. 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.