

ANDHRA PRADESH (TELANGANA AREA) ABOLITION OF INAMS RULES, 1975

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ANDHRA PRADESH (TELANGANA AREA) ABOLITION OF INAMS RULES, 1975

In exercise of the powers conferred by sub-Section (1) of section 35 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (Act VIII of 1955), the Governor of Andhra Pradesh hereby makes the following rules :

1. Short title, extent and commencement :-

(1) These rules may be called the Andhra Pradesh (Telangana Area) Abolition of Inams Rules, 1975.

(2) They extend to the whole of Telangana area of the State of Andhra Pradesh.

(3) They shall be deemed to have come into force with effect from the 1st November, 1973.

2. Definitions :-

In these rules, unless there is anything repugnant in the subject or context.

(a) Act means the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1954.

(b) Section means a section of the Act;

(c) Form means a form appended to these rules.

3. Preparation of a register by the Collector of each district or other authorised officer showing the nature of inams in each village, and the revenue collected thereon :-

Immediately after publication of these rules in the Official Gazette the Collector of each district or any other officer not below the rank of a Deputy Collector who may be authorised by the Government by a notification in the Official Gazette to discharge the functions of the Collector under the Act shall prepare and maintain a register showing the nature of the inam in each village and the Land revenue which is being collected under clause (c) of sub-Section (1) of Section 3 of the Act.

4. Exercise of right of resumption by the inamdar :-

No inamdar shall resume the land under sub-section (4) of Section 4 to make up the deficiency to the extent of 3 family holdings under the provisions of the Andhra Pradesh (Telangana Area)

Tenancy and Agricultural Lands Act, 1950, unless he has, within a period of nine months from the date of publication of these rules in the Official Gazette, filed with the Deputy Collector in the manner prescribed in the Hyderabad Resumption of Land for Personal Cultivation Rules, 1955 a statement of reservation demarcating the lands which he reserves for the exercise of the right of resumption.

5. Application, enquiry by the Collector, for the purpose of registration of inamdar and the like :-

Any enquiry for the registration of an inamdar, kabiz-e-kadim, permanent tenant, protected tenant and non-protected tenant or his successors in interest, as an occupant under Sections 4,5,6,7 and 8 of the Act in respect of inam land, which was in his possession on the date of vesting, shall be made by the Collector, either suo motu at any time or on an application made by an inamdar, kabiz-e-kadim etc. Where an application is made, it shall be in Form 1 and shall be signed by the applicant. Where an application is made by a person other than the inamdar, such inamdar shall be made a party to the application. In respect of inams, for which no application has been filed, the Collector shall take up suo motu enquiry. No person shall be given a certificate of registration as an occupant in respect of communal lands, uncultivated lands, waste lands, pasture lands, grazing lands, forests, mines and minerals, quarries, rivers and streams, tanks, tankbeds and irrigation works, fisheries and ferries and land set apart for the village community which vested absolutely in the State free from all encumbrances:

Provided that in respect of inams held by or for the benefit of charitable and religious institutions (wakfs, temples, charitable and religious endowments etc.) the application for the purpose of registration shall be made by the trustee, managing committee, executive officer or other person in charge of the management of such charitable and religious institutions.}

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

(1) On receipt of an application * {under Rule 5 or in a suo motu enquiry} the Collector shall issue a notice in Form II to every *

{person claiming or having interest} in the land specified in such notice,fixing a date on which any enquiry is to be held and calling for objections if any, within a period of fifteen days from the date of publication of such notice.

*{(3)(a) A certificate of registration of the inamdar, kabiz-e-kadim etc. as an occupant of the extent determined under clause (a) of sub-rule (2) of Rule 6 shall be issued in Form III. (b) A certificate of registration of occupants in Form III, in respect of inam attached to charitable and religious institutions (wakfs, temples, charitable and religious endowments etc.) shall be issued in favour of such institutions and not in favour of individuals managing them for performing service to them.}

7. Determination of compensation :-

The Collector shall determine the compensation in the manner provided in Sections 13 and 14 and shall prepare a statement showing the amount of compensation payable for each caegory of the inam land mentioned in Section 12 of the Act. The amount payable shall be indicated in figures and words, and shall be in the handwriting of the Collector who shall affix his signature against each entry.

8. Mode of payment of compensation :-

(1) It shall be calculated on the amount of compensation fixed under the preceding rule from 1-11-1973, to date of making payment.

(2) From the amount so arrived at, the amount of premium determined under rule 6(2)(b) shall be deducted, and

(3) If the resultant amount does not exceed Rs.5,000 it shall be paid in cash in full, and in case where it exceeds Rs.5,000 the amount upto Rs.5,000 shall be paid in cash and the remaining amount in excess of Rs.5,000 shall be paid in annual instalments,

not exceeding ten, as specified in sub-Section (2) of Section 15.

9. Payment of interest along with instalment :-

Where an instalment of compensation becomes payable the amount which has accrued by way of interest as specified in sub-Section (1) of Section 15, on the entire amount of compensation remaining due and payable in instalments shall be paid along with that instalment.

Note : In determining the amount of compensation payable under the Act, fractions of rupee less than 50 paise shall be disregarded and fractions of rupee equal to or exceeding 50 paise shall be regarded as one rupee.

10. Interim Payment :-

(1) An application for payment of interim compensation under Section 16 shall be made to the Collector in Form IV.

(2) Any application filed under sub-rule (1) shall be duly verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, 1908.

11. Interim Compensation to be deducted from the amount of compensation :-

Any amount paid on account of interim compensation shall be deducted from the amount of the total compensation.

12. Interim Compensation to be paid in cash :-

The interim compensation shall be paid in cash.

13. Execution of bond to repay excess amount of Compensation :-

The person in whose favour an order of payment of interim compensation has been made shall, if so required, by the Collector, execute a bond undertaking to repay the amount in excess of the amount determined as compensation.

14. Making of an application under sub-Section (2) of Section 17 :-

An application under sub-Section (2) of Section 17 for a copy of the data on the basis of which the Collector proposes to determine the total compensation shall be made by the inamdar or other person interested within ninety days, from the date notified by the Collector in this behalf.

15. Publication of notice by the Collector under Section 18(1)(b) :-

(1) After completion of the statement of compensation under Rule 7, the Collector shall cause a notice to be issued in the manner prescribed under clause (b) of sub-Section (1) of Section 18.

(2) Copies of the notices shall be affixed on the notice board in the office of the Collector of the district, divisional office, Taluk Office, village Chavidi and at a public place in the village in which the inam land is situate.

(3) A copy of the notice together with an extract of the draft compensation assessment statement shall also be served on the inamdar or the other persons interested in the manner specified in the Code of Civil Procedure, 1908.

16. Assessment of the interests of the inamdar and others :-

The value of several interests of the inamdar and other persons specified in Section 20 shall be ascertained in accordance with the following provisions :-

17. Proceeding of the Special Tribunal to be summary :-

The proceedings of the Special Tribunal shall be summary and shall be governed, as far as practicable, by the provisions of the Code of Civil Procedure, 1908.

18. Authority under Section 24 :-

(1) For the purpose of sub-Section (1) of Section 24 the District Collector shall be the prescribed authority.

(2) For the purpose of sub-Section (2) of section 24 the Special Tribunal shall be the prescribed authority.

19. Fee payable on an application and the like :-

The fee payable on an application, petition or memorandum of appeal under the Act or the rules shall be as follows :

(a) on every application or petition One rupee.

(b) on every memorandum of appeal Three rupees.

(c) on every Vakalatnama Three rupees.

20. Appeal to Board of Revenue and the like to be in triplicate :-

Every appeal to the Board of Revenue, Special Tribunal, or High Court shall be in triplicate and shall be accompanied by a certified copy of the said order.