

ANDHRA PRADESH (TELANGANA AREA) GRANT OF LEASE OF LANDS FOR NON AGRICULTURAL PURPOSES RULES, 1977

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ANDHRA PRADESH (TELANGANA AREA) GRANT OF LEASE OF LANDS FOR NON AGRICULTURAL PURPOSES RULES, 1977

In exercise of the powers conferred by Section 172 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (Act VIII of 1317 F) the Governor of Andhra Pradesh hereby makes the following rules :

1. Short title, extent and commencement :-

These rules may be called the Andhra Pradesh (Telangana Area) Grant of Lease of land for Non Agricultural Purposes, Rules, 1977.

(2) They shall extent to the whole of the Telangana Area of the Andhra Pradesh excluding the retroceded area in the Secunderabad division of the Hyderabad Municipal Corporation.

(3) All subsisting leases granted under any rules, regulations or orders of the Government shall be deemed to have been granted under these rules subject, however, to the covenants and conditions under which they were granted.

2. Definition :-

In these rules, unless the context otherwise requires;

- (a) form means a form appended to these rules;
- (b) land means land belonging to the Government or Andhra Pradesh and includes any belongings thereon;
- (c) local body includes a Gram Panchayat constituted under the Andhra Pradesh Gram Panchayat Act, 1964 and also a Panchayat Samithi and a Zilla Parishad constituted under the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959.
- (d) market value means the price which a land would fetch if sold in the open market and is arrived at on the basis of registered sale statistics of similar land or lands in the vicinity or by conducting local enquiry.
- (e) municipal town means to town which has been constituted as a municipality under sub section (1) of Section 3 of the Andhra Pradesh Municipalities Act, 1965.
- (f) public purpose means a purpose which is conducive to the good of a considered section of the community at large or of the locality or region.
- (g) retroceded area means all that area described in Schedule A appended to the Memorandum of Agreement regarding the Rendition of Secunderabad Town to the erstwhile Hyderabad State.

3. Grant of lease of lands :-

Lands may be granted on lease to any individual, local body or any institution, society, association, company and corporation registered under the relevant Act or incorporated by an Act of Parliament or of any State Legislature for temporary occupation for non agricultural purposes for specified periods on payment of rent as may be fixed, from time to time, by the competent authority.

4. Grant of lease of lands of the disposal of other departments :-

The authority competent to grant lease under these rules may, on the request of the Heads of Departments of the Government, grant lease of any land and collect the rent payable under the lease.

5. Consideration of the requirements of the departments of Government etc., :-

(1) In all district headquarters towns and in all municipal towns other than the twin cities of Hyderabad and Secunderabad and within a belt of one from the limits of such towns, no land shall be given on lease without taking into consideration the requirements of the Departments of Government, Municipalities, Town Planning Trusts or the Andhra Pradesh Housing Board and Corporations owned or controlled by Government.

(2) In the twin cities of Hyderabad and Secunderabad and within a belt of 10 miles from their limits, no Government land shall be given on lease without taking into consideration the requirement of the Department of the Government, the Hyderabad Municipal Corporation, the Andhra Pradesh Board, the Urban Development Authority and the Corporation owned or controlled by Government.

(3) The maximum period of lease granted under this rule shall be six years, if not renewed.

6. Extent and period of sanction :-

The extent of land and the period of lease that may be granted under these rules shall be determined carefully in each case with reference to the nature of the land, the purpose for which the land is required and whether the land is likely to be required by the Government for any purpose, subject however, to the condition that the period of lease shall in no case exceed twenty five years.

7. Authority competent to make grants :-

The competent authority to grant lease of land shall be

(a) the Tahsildar, if the market value of land does not exceed Rs.500.

(b) the Revenue Divisional Officer, if the market value of land exceeds Rs.500 00.

(c) the Collector, if the market value of land exceeds Rs.1,000 but does not exceed Rs.3,000.

(d) the Commissioner for Land Revenue, if the market value of land exceeds Rs.3,000 but does not exceed Rs.10,000.

(e) the Government if the market value of land exceeds Rs.10,000.

8. Application for grant :-

Every application for the grant of lease under these rules shall be made in Form A to the Tahsildar within whose jurisdiction the land

is situate.

9. Disposal of applications for grant of leases :-

The Tahsildar shall, on receipt of an application for the grant of lease, cause verification of the particulars furnished in the application; ascertain the market value of the land, determine the rent and pass such order as he deems fit, if he is competent, to make the grant; if he is not competent, he shall forward the application to the concerned competent authority through proper channel for orders together with record of enquiry.

10. Execution of lease deeds :-

On receipt of grant of lease from the competent authority, lease deed shall be executed in Form B setting out the conditions and covenants under which the lease is granted and incorporating additional or special conditions if any.

11. Authority competent to execute lease deeds :-

The Tahsildar shall be the authority competent to execute lease deeds in all cases where the leases have been granted by the competent authority, on behalf of the Governor of Andhra Pradesh.

12. Determination of leases without compensation :-

Any lease granted under these rules is liable to be determined for breach of any of the conditions of the lease and the land is liable to be resumed without payment of compensation whatsoever by the authority competent to grant such lease.

13. Resumption of lands on payment of compensation :-

The Government may, at any time, resume the land wholly or in part with the building if any, thereon, if, in their opinion the land is required for a public purpose or for conducting mining operations upon giving three calendar months, previous notice in writing in that behalf to the lessee under the hand of the Collector of the district in which the land is situate and upon paying to the lessee compensation for such erections and buildings standing in the land erected under proper authority.

14. Renewal :-

The authority competent to grant lease in the first instance may renew the lease after suitably revising, or adding or deleting any condition, if necessary, and after fixing the rent on the basis of the market value prevailing at the time of renewal.

15. General Powers of Government :-

Notwithstanding anything in these rules, the Government may grant lease of a land for any public purpose free of rent and without any restriction as to the period of lease in favour of any local body or institution, association, society, company or a corporation registered under the relevant Acts or incorporated by an Act or Parliament or of any State Legislature.