

ANDHRA PRADESH (TELANGANA AREA) LAND REVENUE ACT, 1317

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ANDHRA PRADESH (TELANGANA AREA) LAND REVENUE ACT, 1317

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Whereas it is expedient to amend and consolidate the orders and regulations relating to land revenue; It is hereby enacted as follows:

CHAPTER 1

Preliminary

1. Short title and commencement :-

(1) This Act may be called the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F. and it shall come into force from 1st Azur, 1318 Fasli.

(1-a) It shall extend to the whole of the Telangana area of the State of Andhra Pradesh.

(2) Previous rules and orders Rules and orders in force before the commencement of this Act, provided they are not repugnant to the provisions contained in this Act, shall remain in force until rules relating to such matters are made under this Act.

1A. Effect of Regulations LX LXIX of 1358 Fasli and Act XXI of 1950 on this Act :-

With effect from the commencement of the Andhra Pradesh (Telangana Area) Board of Revenue Regulation, 1358 F.) the A.P. (Telangana Area) (Abolition of Jagirs) Regulation 1358 F.) and the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act 1950 (Act XXI of 1950) Regulation LXI of 1358 F. Regulation, LXIX 1358 F. Act XXI of 1950 respectively, the provisions of this

Act are subject to the provisions of the said Regulation and Act.

2. Definitions :-

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

(1) 'Revenue Officer' means every officer of any rank whatsoever appointed under any provision of this Act or of the Andhra Pradesh (Telangana Area) Record of Rights in Land Regulation, 1358 F. (Regulation LXIII of 1358 F.) and appointed for carrying on the land revenue administration or who discharges the function relating to survey, assessment and preparation of accounts and records;

(1-a) 'Survey Officer' means an officer appointed under Section 12 of this Act;

(1-b) 'land' includes all kinds of benefits pertaining to land or things attached to the earth, or permanently fastened to things attached to the earth and also includes shares in, or charges on, the revenue or rent which are or may be levied on villages, or other defined areas;

(2) 'number' means a portion of land the area and other particulars of which are separately entered with a number in the village records and shall include a Pote number , if any, in a number.

(3) 'Pote number' means the portion of a number separately assessed and entered in a register.

(4) 'residential site' means the land set apart for the purposed of constructing a house whether a house be constructed thereon or not and also includes the court yard or ground enclosed by or appurtenant to a house.

(5) 'boundary marks' means the marks made of earth, stone or any other material, and also a fence, or embankment or any other object, whether natural or artificial, set up, named or fixed by any competent officer, in order to determine the boundary and also include the boundary marks fixed before 1374 F.

(6) 'to hold land' or 'to be a land holder' of land means to be lawfully in possession of land whether such possession is actual or not.

(7) 'holding' means a portion of land held by a holder.

(8) 'Superior holder' means a land holder entitled to receive rent

or land revenue from other land holders (hereinafter called inferior holders) whether he is accountable or not for such rent or land revenue, or any part thereof to Government;

(8-a) 'occupation' means possession;

(8-b) 'to occupy land' means to possess or to take possession of land;

(8-c) 'occupant' means a holder in actual possession of unalienated land other than an asami shikmi; provided that where the holder in actual possession is an asami shikmi, the superior holder shall be deemed to be the occupant;

(8-d) 'occupancy' means a portion of land held by an occupant;

(9)

(9-a)

(10) 'Inam land' means the land exempted wholly or in part from payment of land revenue and includes Maqta and Agrahar land:

(11) 'Pattadar' means the person who is directly responsible to the Government for payment of land revenue and whose name has been entered as such in Government records whether he be personally in possession of the holding or through his Shikmidar;

(12) 'Shikmidar' means the person who like Pattadar possesses a title to the land or who from the beginning has been jointly in possession of the land with the Pattadar or who, before the commencement of this Act, has acquired by virtue of any regulation in force, or may acquire by virtue of that law the right of a Shikmidar.

(13) 'asami shikmi' means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of an asami shikmi's rights with possession, but does not include a lessee holding directly under Government;

(14) 'village' includes a town or city and all the land belonging to a village, town or city;

(15) 'village officer' means the Patel and Patwari of a village;

(16) 'rent' means the consideration in money or kind or partly in money and partly in kind paid or payable by a Shikmidar to his Pattadar or by an Asami Shikmi to the holder of the land on

account of the use or occupation of the land held by him as Shikmidar or Asami Shikmi but shall not include the rendering of any personal service];

(17) 'revenue' means the amount payable by the holder to the Government at fixed periods for use of or entry into the land;

(18) 'chavadi' includes in any village, in which there is no chavadi, such place as the Collector may direct shall be deemed to be the chavadi for the purposes of this Act.

CHAPTER 2

Appointment and Powers of Revenue Officers

3. Chief Controlling Authority in matters relating to land revenue :-

(1) The Chief Controlling Authority in all matters relating to land revenue shall be the Board of Revenue constituted under the Andhra Pradesh (Telangana Area) Board of Revenue Regulation, 1358 F.) (Regulation LX of 1358 F.) (hereinafter in this Act referred to as the Board of Revenue), subject to the Government in the Revenue Department.

(2)

4. . :-

5. . :-

6. Appointment of Collector :-

The Government shall appoint in each district a Collector who shall be subordinate to the Board of Revenue and shall exercise all the powers and discharge the duties conferred or imposed on a Collector under this Act, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of the Government. The Government may, if necessary, appoint in any district Additional Collector who shall discharge such duties of a Collector as may, from time to time, be determined by the Government.

6A. Additional Collector or Additional Taluqdar to have had always the same powers and duties as the Collector or Taluqdar :-

Subject to any special orders of Government in force at the relevant time

(a) An Additional collector shall have and shall be deemed always to have the powers and duties of a Collector; and

(b) An Additional Taluqdar shall be deemed always to have had the powers and duties of Taluqdar within their respective districts, whether under this Act or under any other law for the time being in force read with the Andhra Pradesh (Telangana Area) District Officers (Charge of Designation and Construction of References) Act, 1950 Act XXXV of 1950.

7. Appointment of Deputy or Assistant collector :-

(1) The Government may appoint in each district so many Deputy or Assistant Collectors, as it may deem expedient, and they may be called Additional Deputy or Assistant Collector or Divisional officer or by any other name, as may be specified in the order of appointment. All the Deputy or Assistant Collectors and all other officers, employed in the revenue administration of the district shall be subordinate to the Collector.

(3) To such Deputy or Assistant Collectors as it may not be possible or expedient to place in charge of a taluqa Collector shall, in pursuance of the general or special order of the Government, assign such of his special duties and powers as may, from time to time, appear fit.

8. Deputy or Assistant Collector to hold charge of that office in absence of Collector until person is appointed or Collector resumes charge :-

If the Collector is not able to perform his services, or for any reason vacates his office or leaves his district, or dies, the senior most Deputy or Assistant Collector of the District who may be present in the district, shall temporarily hold charge of the office, and for the purposes of this Act shall be deemed to be a Collector until the Collector resumes charge or until the Government appoints his successor and such successor takes charges of his appointment. An officer whose principal functions are different from those of a Deputy or Assistant Collector and who is appointed Deputy or Assistant Collector for special purposes only, shall not be deemed to be Deputy or Assistant Collector for the purposes of this section.

9. Tahsildar, his appointment, duties and powers :-

(1) The Revenue officer entrusted with the revenue administration of a taluqa shall be called a Tahsildar and he shall be subordinate

to the Collector and the Deputy or Assistant Collector concerned. He shall be appointed by the Government or by an officer authorised by the Government in this behalf by notification in the Official Gazette. His duties and powers shall be such as may be expressly imposed or conferred by this Act or by any other law for the time being in force, or as may be imposed upon or delegated to him by the Collector under the general or special order of the Government: The Government may, if necessary, appoint more than one Tahsildar.

(2) The Government may appoint one or more officers to be designated as Naib Tahsildar, to assist the Tahsildar in the revenue administration of his taluqa, and may by general or special order confer upon the Naib Tahsildars generally or any specified Naib Tahsildar all or any of the powers of a Tahsildar under this Act or any other law for the time being in force.

10. Tahsildar may depute subordinates to perform certain of his services :-

A Tahsildar may, subject to such general orders as may from time to time be passed by the Board of Revenue or the Collector, depute any of his subordinates to perform any portion of his ministerial or executive duties: Provided that all acts and orders of the subordinates so appointed shall be subject to modification and confirmation by the Tahsildar.

11. Temporary arrangement of office of Tahsildar :-

If a Tahsildar is not able to perform his service or for any reason vacates his office, or leaves his taluqa, or dies, the Peshkar or the superior clerk on the establishment shall temporarily hold charge of the office and shall be deemed to be the Tahsildar of that taluqa until the Tahsildar resumes charge of the taluqa or until such time as a successor is appointed by order of competent authority and takes charge of the office.

12. Survey officers, their duties and powers :-

For the purposes of Chapters VII and VIII of this Act, the Government may appoint such officers as may be from time to time appear necessary. Such officers shall be designated "Commissioner of Survey Settlement", "Commissioner of Land Records," "Assistant Commissioner of Survey Settlement", "Assistant Commissioner of Land Records" or otherwise as may appear requisite, and they shall be subordinate to one another in such order as Government may fix. Subject to the orders of the Government all matters, connected

with survey and settlement, shall relate to the officers so appointed and they shall exercise and perform all such powers duties as have been fixed by this Act or any other law for the time being in force.

13. Combination of offices :-

The Government may appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter or to confer upon an officer of one class all or any of the powers or duties of any other officer or officers within any particular areas or otherwise as may appear expedient.

14. Appointment of officers to be notified :-

The appointment of all officers mentioned in Sections 3 to 9, 12 and 13 shall be notified in the manner as may be prescribed by the Government.

15. Power of appointment of establishment :-

Subject to the rules made in this behalf under Section 172, the Government shall regulate the power of appointment of all members of establishment vested in Board of Revenue, Collector, Commissioner of Survey Settlement and Commissioner of Land Records in their respective departments. The Government shall also determine, inter alia the powers which the said officers may delegate to their subordinate officers. Provided that the aforesaid officers shall always have a right of modification and revision in respect of appointments made by their such subordinate officer.

16. Power of Collector to transfer cases :-

A Collector may, after recording reasons, transfer any case from his own or from that of any of his subordinate departments to any other department or from that of his subordinate department to his own department.

CHAPTER 3
CHAPTER

16. Omitted :-

17. Omitted :-

18. Omitted :-

19. Omitted :-

20. Omitted :-

21. Omitted :-

22. Omitted :-

23. Omitted :-

CHAPTER 4

Land and Land Revenue

24. All lands etc, are property of Government :-

All public roads, lanes, paths, bridges, ditches, dikes, rivers, streams, tanks, ponds, canals, lakes, and flowing water and all lands, wherever situated, together with all rights appertaining thereto are the property of the Government excepting:

(a) those belonging to persons or class legally capable of holding property and to the extent so far as their such rights are established;

(b) those in respect of which any other order under any law may have been given. It shall be lawful for the Collector or other officer appointed by the Government for this purpose subject to rules sanctioned by the Government and contained in notification and the order of the Board of Revenue, to dispose of them in his discretion; but the right of way or other right legally vesting in any person or the public shall subsist.

25. Assigning of land for special purposes to be lawful :-

When a village is under settlement, the Commissioner of Survey Settlement or the Commissioner of Land Records in that Village and in other cases with the sanction of the Board of Revenue, the Collector may, subject to the orders of the Government set apart any Khalsa land not in the lawful occupation of any person or class for pasturage of cattle or for grass reserves or for other Government purposes or for the purposes of public benefit; provided that it does not interfere with any right of any person or class. The land so set apart shall not be otherwise appropriated without the order of the Board of Revenue.

26. Animals which shall graze on land set apart for free pasturage of animals :-

The right of grazing on land set apart for free pasturage of animals shall confine only to the animals of the village within the limits of which the land is situate and for which it has been set apart. If there is a dispute as to such right the decision of the Collector in respect thereof shall be conclusive.

27. . :-

Cases in which there shall be right to carry earth, stones, etc., from river, stream or bed of tank There shall be the right in the following cases, without obtaining the permission and without payment of tax to carry from a river, stream or bed of a tank and also from land which has not been assessed or not been part for any special purpose, earth, stone, gravel, sand, morrum inasmuch as has not been reserved by any order of the Government:

(a) For any person for his private purpose in the village of residence and for agricultural need in the village where he has residence or cultivation.

(b) For a potter or brick maker or tile maker or for the person who makes use of any of the aforesaid articles in his professional work at the place where he carries on the work of his profession but where trade in any of these articles is carried on a big scale at any place and on account of digging of earth therefor, there is risk of destruction and of becoming useless of any building or cultivation or arising of difficulties in the ordinary requirements of villages or endangering public health, the Tahsildar shall for that purpose select and assign some plots and notify, the same and no person among them shall be authorised to dig earth at any place other than the said plots.

28. Trees Irsali or Ghairi on land held by Pattadar :-

The Pattadar shall have full right over Irsali Ghairi trees within the limits of land held by a pattadar, so long as he remains the pattadar of that land, as also over the trees which may, after obtaining the patta have grown up naturally or have been planted or have cropped up from the roots of trees cut by the Forest Department. But the trees over which the Government may have retained its proprietary right by notification shall be excluded from the ownership of the pattadar.

29. Right of pattadar to trees planted on occupied land prior to his occupation :-

Trees Irsali or Ghairi in land in the occupation of pattadar which may have been planted by the pattadar or by the persons of whom the present pattadar is a successor: on the ownership or which may have been acquired by the pattadar or his predecessors by other lawful means, shall belong to the present Pattadar and remain at his disposal by all means and the Government shall have no right of any kind thereto; but the Pattadar shall have full rights over such

trees as have not been planted by the Pattadars or by his ancestors or by a former Pattadar whose successor he is and to which the right of the Government may be subsisting, if they have not been felled by the Forest Department or sold by fixing the price to the present pattadar under rules made by the Government by notification.

30. Trees outside occupied tracts or in bed of rivers, streams, etc. :-

All trees being outside the occupied tracts or in river, stream or on road or in the bed of tank and pond or on the bund shall be deemed to be the property of the Government.

31. Sale of Irsali trees outside reserved area :-

In the taluqas in which boundaries of existing forest have been demarcated by the Forest Department, the x x x Collector may, if he deems fit to be let out for cultivation such land as are excluded from the boundaries fixed, sell the trees therein at a reasonable price and let out the land for cultivation and credit the sale proceeds of the timber to the Forest Department; but in case the valuable Irsali timber therein be in abundance an intimation in writing for sale of timber shall be given to the District Forest Officer. It shall be incumbent on the Forest Department either to fell or sell the trees within one year from the date of receipt of the intimation, otherwise the Collector on the expiry of the said period may, at his own instance, sell and credit the amount to the Forest Department, and in case it is not deemed fit to fell such trees, they may be preserved and including the land on which those trees lie patta of the remaining land may be given.

32. Letting out for cultivation unoccupied land containing valuable trees situate in taluqa where forest boundaries have not been demarcated :-

If the xx Collector in taluqas where reserved forest has not been demarcated, deems fit to let out for cultivation the unoccupied land beyond the proposed boundaries containing forest or valuable trees he shall consult the Forest Department and, if with the concurrence of competent officer of the Forest Department occupation of such land is given to any person the provisions of the preceding section shall apply thereto.

33. Fresh patta within reserved forest to be given in consultation with Conservator of Forests :-

Unless land is set apart demarcated for cultivation within the limits

or reserved forest no fresh patta shall be given without consulting the Chief Conservator of Forest.

34. Proprietary rights over toddy and sendhi trees and the rights to plant such trees :-

(1) Subject to the provisions of this section and Section 25 all toddy and sendhi trees standing for the time being within the limits of the land legally occupied by a pattadar, shikmidar or any other person in possession (hereinafter referred to in this section as owner) whether grown by such person or not, shall be deemed to be the property of the owner. Such owner shall not however be entitled to plant toddy and sendhi trees within the limits of such land without obtaining the permission of the Government.

(2) The owner shall not be entitled to tap the trees referred to in sub section (1) or get them tapped by any person other than a person authorised by the Government. An owner, who permits the trees to be tapped by a person authorised by the Government, shall be entitled to charge such person for each tree not more than 25 per cent of the tree tax payable for the tree to the Government in accordance with the laws and rules for the time being in force.

(3) Nothing contained in this section shall be deemed to exempt the juice of such trees from any excise duty that may be leviable thereon under any law for the time being in force.

35. Proprietary rights of Government over toddy, sendhi and gulmohwa trees :-

Notwithstanding anything contained in Sections 34 and 38 with effect from the date of the coming into force of the Hyderabad Land Revenue (Amendment) Act, 1956 (XXXII of 1956), all the toddy, sendhi and gulmohwa trees standing within the limits of any land that may be given on patta on or after the date, shall belong to the Government and the pattadar, Shikmidar or any other person in possession shall not be entitled to plant such trees within the limits of such lands without obtaining the permission of the Government.

36. . :-

Omitted

37. Rules relating to lopping of Sendhi and toddy and tapping trees to apply to trees belonging to Government :-

Rules and orders relating to the lopping of sendhi and toddy trees

which are now in force or may hereafter be enforced by the Government by notification shall apply to trees belonging to the Government only. Lopping of trees belonging to Pattadar and use of leaves, fruits and wood shall be exempted from such restrictions and orders.

37A. Duty of Pattadar or tenant to report illegal tapping of toddy and sendhi trees :-

(1) The pattadar, tenant or other person, in actual possession of land on which any toddy or sendhi tree stands must report in writing or in case where he does not know writing, orally to the Patel or Patwari of the village any case of tapping of such trees as soon as possible after he becomes aware of such tapping and on receipt of the information by Patel or Patwari, as the case may be, he must issue written acknowledgment thereof to the reporter, and in case of illegal tapping he must report the same to the Abkari authorities concerned.

(2) Any contravention of sub section (1) shall be punishable with fine which may extend to the amount of the tree tax payable, in respect of the tree illegally tapped, in accordance with the laws and rules for the time being in force.

38. Proprietary right over Gulmohwa trees and the rights to plant such trees :-

(1) Subject to the provision of this section and Section 35, all gulmohwa trees standing for the time being within the limits of the land legally occupied by a pattadar, shikmidar or any other person in possession (hereinafter referred to in this section as owner) whether grown by such person or not, shall be deemed to be the property of the owner. Such owner shall not however, be entitled to plant gulmohwa trees within the limits of such land without obtaining the permission of the Government.

(2) The pattadar shall not be entitled to ferment any Gulmohwa grown on such land or to sell such Gulmohwa to any person other than a person authorised by Government. If the Pattadar sells such Gulmohwa to a person so authorised the Pattadar shall not be entitled to charge such person more than 25 per cent of the amount payable to such person by the Government in accordance with the laws and rules of the time being in force relating to supply of Gulmohwa to Government.

(3) Nothing contained in this section shall be deemed to exempt any Gulmohwa grown on such land from any excise duty leviable thereon under any law for the time being in force.

(4) Any owner who is desirous of grazing his cattle within the limits of such lands shall inform the Excise Commissioner of his intention, in writing, in the form prescribed and within the period notified by the Excise Commissioner. Failure on the part of an owner to give such information shall mean that he is willing to have the gulmohwa on the said lands collected by the person authorised by the Government in this behalf. Such owner, shall not, however, be entitled to store gulmohwa exceeding five seers.

(5) Any owner who stores gulmohwa in contravention of the provisions of sub section (4) shall be liable to a Penalty not exceeding Rs. 200, such penalty may be imposed by the Collector or any other Officer empowered by the Government in this behalf.

39. Right to fruit bearing trees in occupied land :-

Fruit bearing trees standing for the time being within the limits of the land legally occupied by a Pattadar, whether grown by the Pattadar, or not, shall be deemed to be the property of the Pattadar and the Pattadar shall be fully entitled to the use of such trees.

40. . :-

Omitted

41. Procedure where land is in occupation of one person and another person has right on trees :-

If the right or possession of another over existing trees in any holding is recognised it shall subsist, but in future whenever the holder of the land tenders a compromise or dies heirless or absconds, the Patta of such land may be made in the name of the owner of the trees and in case he refuses to take Patta his right to the trees shall cease.

42. Procedure for trees planted in unoccupied land by any person and retained in his possession :-

If in an unoccupied land there are trees planted by any person and they are in possession of the planter the Patta of such land may be made in his name but if he refuses to have the Patta made in his name his right to such trees shall cease.

43. If in event of pattadar absconding or dying or tender in

compromise, right of any other person to land is not recognised, trees to be property of Government :-

If any Pattadar absconds or dies or tenders compromise and in case the rights of the Pattadar or his heirs or Asami Shikmis are regards restoration of land have not been recognised the trees standing on such land shall be deemed to be the property of the Government.

44. Land may be let out free of assessment for planting shady trees for public benefit :-

If any person plants by the side of the road or close to it or around an inn or such wakf buildings where travellers put up or at places which are camps for travellers or troops, shady trees, whether fruit bearing or not so that travellers may have amenities under their shade, land may be given by the Government free of assessment of planting such trees.

45. Conditions on which land for raising groves may be given :-

If any person desires for his own benefit to arise in the land laying barren or waste outside the reserved forests for more than ten years, and does not contain any valuable forest trees, a mango grove, tamarind grove, babul or grove of any other kind of trees as may in some manner be deemed to be of public benefit as well, such land may be obtained by the order of the Collector, free of assessment for twenty years and after twenty years it shall be assessed at the dry rate, provided that the Government water is not taken; but if the Government water is taken "dastband" shall be paid. The applicant shall plant annually trees in at least one fifth portion of the land so that the trees may be planted in the entitled land within five years. If the trees in sufficient number with regard to their kind are not planted within five years in the whole land that portion of land in which trees have been planted shall, remain free of assessment and the rest shall be assessed from the sixth year; Cultivation between the trees shall not be prohibited.

46. Procedure where Pattader is felling trees belonging to Government :-

A Pattadar shall not fell fruit bearing trees or timber, Irsali, and Ghairi which have been declared to be belonging to the Government. If a person without the permission of an authority, cuts any tree or its roots or appropriates it to his own use or carries it away, the price thereof together with a penalty which may extend to double the price of the tree, shall be recovered from him

as a revenue demand.

46A. Restrictions on felling of sendhi, toddy and gulmohwa trees and fruit bearing trees :-

(1) Notwithstanding anything contained in Sections 34, 38 and 39 the Government may by notification in the Official Gazette prohibit or regulate the felling of sendhi, toddy and Gulmohwa trees and fruit bearing trees of any specified kind in such area and subject to such conditions and restrictions as may be specified in the notification.

(2) No notification shall be made under sub section (1) until after the issue of a general notice to the owner of such trees in the local area concerned calling upon them to show cause within a reasonable period to be specified in such notice why such notification should not be made and until their objections, if any, and any evidence that they may produce in support of the same have been heard by an officer duly appointed by the Government in that behalf and have been considered by the Government.

(3) The notification referred to in sub section (1) shall be published in the locality, and the notice referred to in sub section (2) shall be served, in such manner as may be laid down by rules made under this Act.

(4) The Government may by order delegate its powers under sub sections (1) and (2) to the Collector or such other officer as the Government thinks fit subject to such conditions and restrictions, if any, as may be specified in the order.

(5) If any tree mentioned in sub section (1) is cut in contravention of any prohibition, condition or restriction imposed under that sub section the Pattadar of the land on which the tree stood or where the Pattadar has not cut or authorised the cutting of the tree any other person who has cut or authorised the cutting thereof shall be liable to a penalty not exceeding the market value of the tree as determined by the Collector and such penalty shall be recoverable from the Pattadar or such other person, as the case may be, as an arrear of land revenue and the trees shall be forfeited to Government by order of the Collector.

(6) The powers of the Collector under sub section (5) may be exercised by any other officer who is authorised by Government in this behalf.

47. Permission to take wood from waste land out side reserved forest :-

Where trees are standing in any waste land outside the reserved forests the ryots in general of the village may take firewood and agriculturists such wood as may be required for agricultural implements without payment of any tax and subject to rules made by the Government by notification. Land Revenue

48. All land to be liable to payment of land revenue save in case of remission :-

All land, whether applied to agricultural or any other purpose, and wherever situate shall be liable to payment of land revenue to the Government in accordance with the provisions of this Chapter and Chapters VII and IX except in case title to land has been transferred to any Local Authority or the revenue thereof has been wholly remitted under any special contract with Government or under any order or law.

49. If alluvial land be within land excluded from Government demand, etc., shall be subject to original land for purpose of payment of land revenue :-

All rights, conditions, restrictions and liabilities in respect of payment of land revenue applicable to any land excluded from Government demand or Mukta or Inamjodi shall also apply to alluvial land within the limits of such land or which has come up from the river bed on account of the river abandoning its course but land revenue shall not be leviable in respect of any such land or river bed unless the area of the same exceeds the area mentioned in Section 55.

50. Land revenue to be assessed according to use of land for various requirements :-

Land revenue shall be assessed according to the various modes of use.

(a) Agricultural use.

(b) In addition to agricultural use any other use from which profit advantage is derived.

When rate is assessed on any land for any one of the aforesaid purposes and the land is appropriated for any other purpose the rate thereof shall be altered and fixed again, although the term of subsisting settlement may not have expired. If any land granted by the Government with remission of land revenue for any special

purpose is appropriated to some other purpose against the intention of the grant, the land revenue thereof shall be recovered. It shall be lawful for the Collector, and in case a taluqa is under settlement, for the Commissioner of Survey Settlement or Commissioner of Land Records after giving a hearing to the land holder to prohibit its appropriation for any particular purpose and record reasons therefor and to summarily evict the holder who may have appropriated the said land to prohibited purpose.

51. Settlement of land revenue with whom to be made :-

The settlement of the land revenue of each number or pote number shall be made with the pattadar of the number or pote number. If such person be absent and there be no authorised agent of his in the district, such settlement shall be made with the person who has acquired from him the occupancy right of such land or who is on his behalf in occupation of such land; but if the pattadar is of unsound mind or is a minor or incapable to contract, the settlement of land revenue shall be made with his lawful guardian or after six months notice with the Shikmidar or the Asami who is the land holder.

52. Assessment of land revenue by whom and how to be made :-

In respect of land on which land revenue is wholly or partially recoverable and for which settlement of assessment has not been duly notified, the Nizam Jamabandi shall, with due regard to subsisting rights assess the land revenue but the assessment of land for which settlement has not been made shall not be increased or decreased until settlement is made.

53. Water rate :-

The Government may confer upon the Collector or any officer the power to fix such rate, as may be deemed fit to recover for use of water which is either the property of the Government or which the Government has by constructing and repairing an anicut or by any other means made available for cultivation and with regard to the use of which rate has not already been fixed on the land. Such rate shall be liable to revision after a period which Government may with regard to the principle and rules of settlement, determine and it shall be recoverable as Government land revenue.

CHAPTER 5

Occupation of Khalsa Land and Right of Occupants

54. Procedure for acquiring unoccupied land :-

(1) When any person is desirous of taking unoccupied land he shall

before occupying the land submit a petition to the Tahsildar and obtain his permission in writing.

(2) On such petition being submitted, the Tahsildar may, in accordance with the rules made by the Government in this behalf from time to time, give permission in writing for occupation.

54A. Procedure in respect of land acquired for purpose of public and no more required :-

When agricultural or pasturage land acquired for public benefit is no longer required the patta thereof shall be made in the name of the person or his successor from whom, such land was acquired provided he consents to refund the compensation originally paid to him. If such person or his successor does not take the land, it may be given on patta under Section 54.

55. Rules relating to alluvial land :-

Alluvial land, upto two guntas where it is wet and upto one acre where it is dry shall remain, without collecting any revenue in the occupation of the holder of the adjacent land, and if it exceeds that extent it shall be let out as unoccupied Khalsa land but the holder of the adjacent land shall have preference over others.

56. Rules relating to diluvial land :-

If diluvial land is upto two guntas where it is wet and upto one acre where it is dry, the pattadar of the land shall not get any rebate in its revenue and if it exceeds that extent rebate shall be given in its revenue.

57. Procedure when person unlawfully occupies unoccupied land or uses land without title :-

(2) In case of every occupation of unlawful use the decision of the [.....] Collector [.....] as to the assessment of land revenue shall be conclusive and for the purposes of assessment of land revenue occupation for a portion of a year shall be deemed to be an occupation for a whole year.

(3) The [.....] Collector [.....] may summarily evict from land any person having unlawful occupation or use and attach the crop raised on such land. Similarly if any building or construction of any kind is erected on such land; the [.....] Collector [.....] shall have power to grant reasonable opportunity (which shall not be less than one month) and give to the landholder an order in writing to remove such building or construction from the land. If the holder

does not comply with the order within the period fixed the Collector at its expiry shall have authority to attach such building or construction or to summarily demolish and remove it from the land.

(4) After the property is attached by the order of the [.....] Collector [.....] the attached property shall be managed according to his discretion, and if there be any encroachments on such property, the cost incurred in removing them under the provisions of this section shall be recoverable from the unlawful occupier or the person who has unlawfully used it, as the case may be, as an arrear of land revenue.

58. Occupancy right is heritable and transferable :-

An occupancy right to land shall be deemed to be heritable and transferable.

58A. Sanction of Collector for transfer of occupied land compulsory in certain cases :-

(1) Notwithstanding anything contained in the preceding section the Government may, by Official Gazette notify in respect of any village or tract of the area to which this Act extends that the right of occupation of any land under Section 54 given after the date of the notification shall not be transferable without obtaining the previous sanction of the [] Collector

(2) The Government may also as its discretion from time to time notify by Official Gazette, that any part or person or class of persons of such village or tract of the area to which this Act extends to which the provisions of sub section (1) have been made applicable shall be exempt from the said provisions.

58B. Procedure in case of transfer by order of Court of land not transferable without sanction of Collector :-

Where right of occupancy of any land is declared non transferable without the sanction of the Collector ... and the Collector has not given sanction for its transfer and the transfer of such occupation has been made by the order of a Civil court or the Civil Court has passed a decree regarding its transfer or its decree or order is founded on such transfer as has been affected without the sanction of the Collector.

(a) no process of the Civil Court shall have effected on such land nor any transfer thereof shall be considered as valid; and

(b) Where a certificate is produced before such Court under the hand and seal of the ... Collector ... to the effect that right of occupancy of the land is not transferable without the sanction of the Collector which should be previously obtained and that such sanction has not been given, such court shall remove any attachment of land if it has been made or cancel any other process if it has been unissued in respect thereof or if the land has been sold auctioned or any such auction has been made as affects right of occupancy of such land, shall also cancel every such sale.

59. Who shall be Pattadar on death of Pattadar :-

On the death of a Pattadar of Khalsa land the name of the person who is lawfully entitled under a will and if there be no such person, of the nearest heir, and if there are several heirs of equal degree, of the one who by custom has the right of primogeniture shall be entered in the register by the Collector and the names of the remaining heirs shall be entered as Shikmidar. But, if at anytime, any person produces against the claimant, of a patta a decree of a competent Court as regards his right of preference amendment in the Government records shall be made in accordance with the decree.

60. Occupancy right to be sold in case Pattadar dies intestate or heirless :-

Where a Pattadar dies intestate or without making a will, the occupancy right of land held by him shall be sold and after deducting expenses of sale the arrears of land revenue, if any, shall first be paid from the sale proceeds and the remainder shall be dealt with as unclaimed property.

61. Occupant to be entitled to construct godowns and wells, etc., or otherwise improve conditions of land :-

(1) Every occupant shall be entitled to construct or repair godowns or wells on land occupied by him or otherwise improve its condition and shall not be entitled except with the written permission of the Collector to appropriate agricultural land to purposes other than agricultural. If no written reply for such permission is given by the Collector for three months from the date of presentation of the application, the application shall be deemed to have been granted. In every such case the Collector on receipt of the application, shall furnish a written acknowledgment thereof and without unnecessary delay communicate to him the sanction of refusal of the application, and the Collector at the time of granting such application, may, in

addition to the new assessment payable under Section 50, if necessary, after recording reasons therefor introduce such conditions as he may have settled with the consent of the occupant.

(2) No occupant of land shall be entitled to construct or repair any tank or kunta without the permission of the Government.

62. Procedure in case of agricultural land appropriated to non agricultural purposes :-

The Collector may take action under Section 57 against a pattadar or Shikmidar who has, without permission, appropriated agricultural land to non agricultural purposes.

63. Right to all mines vests in Government :-

Right to all mineral products vests in the Government and no person shall excavate anything from any mine without permission. But this section shall have no effect on subsisting rights.

64. Occupant may relinquish or transfer occupancy right to another :-

A pattadar may, before expiry of the date fixed by the Government by notification in this behalf, by presenting a compromise relinquish the land occupied by him or get it transferred in the name of any other person, but he shall remain responsible for the Government demands due by him. A compromise not applying to a whole number or a whole pote number shall not be acceptable.

65. Right of way on relinquishing land to vest in future holder :-

If any person relinquishes land, the way to which lies through other land occupied by him the right of way shall continue to the person who shall hold land in future, provided there is no other way equally convenient.

CHAPTER 6

Superior Holder and Shikmi Holder

66. Liability and rights of Pote Pattadar :-

A Pote pattadar shall pay on his portion of land proportionate land revenue and so long as he continues to pay the land revenue for his share he shall not be evicted from his portion of land. The pattadar shall not be entitled to enhance the Government land revenue on the land of the pote pattadar.

67. When shall Asami Shikmi have perpetual occupancy

right :-

Where no agreement has been made between the Pattadar and Asami Shikmi pertaining to the period of possession, and the possession by the Asami Shikmi has been for a continuous period of twelve years he shall be deemed to be a Shikmidar and he shall have permanent right as against the Pattadar. If any person has been from the commencement of cultivation or the patta jointly cultivating with the Pattadar he shall be deemed to be a Shikmidar until a decision of a Court of law to the contrary is obtained:

Provided that an Asami Shikmi who has been in possession of any bil Maqta land in an ijara village for a continuous period of 12 years, whether there was any agreement between the Ijaradar and the Asami Shikmi pertaining to the period of cultivation or not, and every person who has from the commencement of cultivation or from the time patta was granted to the Ijaradar, jointly with such Ijaradar cultivated and bil Maqta land held by such Ijaradar, shall be deemed to be a Shikmidar in respect of such bil Maqta land.

Explanation If an Asami Shikmi remains out of possession for a period of more than one year and during that period takes no action against the pattadar for possession, such period shall not be deemed to be continuous.

67A. Conferment of Pattadari rights on Shikmidars :-

Notwithstanding anything in any law usage, contract, grant, decree or order of a court but subject to the provisions of Section 166 B.

(i) a Shikmidar who was granted a Shikmidar certificate in respect of any land by a Revenue Officer, shall be declared as pattadar of that land by the Deputy Collector in whose jurisdiction the land is situate, within a period of seven years from the date of commencement of the Andhra Pradesh (Telangana Area) Land Revenue (Amendment) Act, 1964 and the Deputy collector shall issue a certificate to that effect in the prescribed form and give intimation thereof to the former pattadar of that land; and such certificate shall be binding on the former pattadar;

(ii) where no Shikmidari certificate was granted to a Shikmidar in respect of any land by a Revenue Officer as provided in clause (i), the Deputy Collector, shall on an application made within a period of seven years from the date of commencement of the Andhra Pradesh (Telangana Area) Land Revenue (Amendment) Act, 1964, or may, suo motu at any time, after making an inquiry in the

prescribed manner declare the Shikmidar as pattadar of that land and issue a certificate to that effect in the prescribed form and give intimation thereof to the former pattadar of that land and such certificate shall be binding on the former pattadar.

(iii) where a Shikmidar is declared to be a pattadar in respect of any land under clause (i) or clause (ii), the former pattadar of land, who has not received the price payable therefor from the Shikmidar, shall within a period of one year from the date of intimation to him, apply to the Deputy Collector for the determination of the reasonable price to be paid to the former pattadar for that land by the Shikmidar:

67B. Validation of certain transfers of land conferment of pattadari rights on transferees :-

(1) Notwithstanding anything in this Act where, before the commencement of the Andhra Pradesh (Telangana Area) Land Revenue (Amendment) Act, 1964, any transferee has in good faith purchased or otherwise acquired the interests of the Shikmidar in the land either directly from the Shikmidar or from any other person who in good faith acquired such interests, and where such transferee is in possession of the land on such commencement, he shall within a period of seven years from such commencement apply to the Deputy Collector within whose jurisdiction the land is situate for declaring him as pattadar of that land.

(2) Where transferee has made an application for declaring him to be a pattadar in respect of any land under sub section (1), if the former pattadar has not received the price payable thereof from the transferee, the Shikmidar or any other person who in good faith purchased the interests of the Shikmidar in the land, such former pattadar shall, within a period of one year from the date of intimation to him by the Deputy collector of such application, apply to the Deputy Collector for the determination of the reasonable price to be paid to him by the transferee.

(3) On receipt of an application under sub section (2), the Deputy Collector shall give notice to the applicant and the transferee and to all other persons who appear to him to be interested of the date, time and place at which he proposes to inquire into the application and on the completion of the enquiry, he shall determine the reasonable price payable for the land by the transferee to the applicant; Provided that the amount so determined as reasonable

price shall not be more than ten times and less than eight times the difference between the rent paid or payable by the Shikmidar to the former pattadar for the year 1952 and the land revenue paid or payable for that year by the former pattadar to the Government in respect of that land.

(5) The Deputy Collector shall after satisfying himself that the price payable to the former pattadar referred to in sub section (2) has been paid or has been deposited within such time and in such manner as may be prescribed, require the transferee to deposit in the office of the Deputy Collector an amount equal to the registration fees and the stamp duty that would have been payable had the transferee been effected by a registered document in accordance with the provisions of the Indian Registration Act, 1908. On the deposit of such amount, the Deputy collector shall issue a certificate in the prescribed form to the transferee declaring him as pattadar of that land and such certificate shall, notwithstanding anything in the Indian Registration Act, 1908, be conclusive evidence of such transfer".

68. Liability of Shikmidar to payment of land revenue :-

A Shikmidar shall pay on the land held by him only so much of fixed rent or share of produce as may be due in accordance with the agreement entered into between him and the pattadar or pote pattadar; and if no such agreement has been entered into as much as he was paying in accordance with the usage in previous years, and so long as he continues to pay the rent he shall not be evicted from the land in his possession.

69. When rent may be enhanced on Shikmidar :-

The rent on the Shikmidar may be enhanced in the following cases only:

(a) When after expiry of term of settlement an enhancement in the assessment of land revenue on the land held by the Shikmidar is made by the Government or at any time any new local tax is levied by the Government, the Shikmidar shall be liable to a proportionate increase, provided that no agreement to the contrary has been entered into.

(b) When the term of agreement between the pattadar and the Shikmidar expires and the right of the pattadar to enhance the rent after the expiry of the term has been agreed to under the agreement the enhancement may be made under the terms of the

agreement.

(c) If, apart from the labour and expenses of the Shikmidar through the expenses of the pattadar or owing to other reasons the capacity or the area of the land is improved an enhancement may be made with regard to such improvement provided that no agreement to the contrary has been entered into and enhancement shall not be made again within five years.

70. When Shikmidar shall be entitled to reduction of rent :-

A Shikmidar shall be entitled to reduction of rent in the following case only:

(a) When any reduction in the land revenue in respect of land held by the Shikmidar is made by the Government or any local tax is remitted by the Government in proportion thereto provided that no agreement to the contrary exists.

(b) When it may be so provided in the agreement.

(c) When the area or capacity of the land diminished owing to some reason, not being the result an act of the Shikmidar, provided that no agreement to the contrary has been entered into.

71. Liability of Asami Shikmi respecting payment of rent and procedure when Shikmi relation is not desired to be maintained :-

If no agreement has been entered into with the Assami Shikmi the same rent as was due for the previous year shall be recoverable either in cash or share of produce and if the Asami Shikmi has from the beginning taken possession of the land without any agreement, such rent shall be fixed as is realised for land of similar capacity from Asami Shikmi in the neighbourhood. The pattadar shall not be entitled, after the commencement of the agricultural year, to make any variation without the consent of the Asami Shikmi, in the terms or the rent for that year, or to evict the Asami from the land. If the pattadar desires to vary the terms or evict the Asami for which there is no express agreement as written notice of enhancement of rent and other conditions of eviction shall be given to the opposite party three months before the termination of the agricultural year or if the person giving the notice so desires such notice may be given through the Tahsil Office under the rules made in this behalf. If the Asami Shikmi agrees to the rent and terms he shall retain possession of the land during the following year, otherwise he shall relinquish the land. If he retains his possession notwithstanding the

receipt of notice he shall be bound to pay the enhanced rent and observe the conditions set forth in the notice; and if the notice before eviction the Asami Shikmi shall have no right of possession during the following year. Asami Shikmi, after commencement of the agricultural year, shall not be authorised to relinquish the land for the whole year, without payment of rent, but if he desires to relinquish, he shall as therein before specified, notify the pattadar three months before the termination of the current agricultural year. Application regarding enhancement or reduction of rent eviction shall be presented and heard in the Tahsil.

72. Application for arrears of land revenue or rent in Tahsil within three years :-

If a pote pattadar Shikmidar or Asami Shikmi does not pay the land revenue or rent in time, application in respect of the same may be presented in Tahsil within three years from the date of its becoming due and the decision of the Tahsil shall be enforced under the rules for the realisation of land revenue, but this procedure shall not be a bar to seek remedy in the Civil court.

73. Procedure in case of remission or suspension of land revenue :-

If land revenue is wholly or partially remitted or suspended by the Government the remission or suspension shall also apply to the rent of pote pattadar, Shikmidar and Asami Shikmi according to the shares; provided that no agreement has been made to the contrary.

74. . :-

Omitted.

75. Penalty when proved that land holder has by force recovered any amount in excess of fixed land revenue or rent :-

When it is proved to the Collector regarding any land holder that he has unlawfully recovered from any Shikmidar or Asami Shikmi an amount in excess of fixed land revenue or rent payable under the provisions of this Chapter, the Collector shall get the amount recovered in excess refunded to the aggrieved person and may also levy on him a fine not exceeding the amount recovered in excess and the Collector may also, if he deems fit order to pay a portion of the amount of fine recovered to the aggrieved person by way of damages.

76. In default of payment of land revenue it shall be lawful in certain cases to cease and auction right of pattadar and make any co occupant or other concerned person a pattadar :-

When it appears to Collector that a pattadar with intent to defraud or cause injury to Shikmidar or other person interested in the number, has, wilfully not paid the land revenue and rendered the number liable to attachment and sale, the Collector may instead of attaching and selling the right of occupancy, attach only the title of such pattadar, and on condition of payment of the whole amount of land revenue due on that land cause the name of the Shikmidar or the person interested in such number to be entered as a pattadar in the village records. The person whose name may be so entered in the village records shall acquire the same rights as the original pattadar.

CHAPTER 7

Settlement and Partition of areas

77. Government may introduce revenue survey into any part of Dominions :-

The Government may whenever they deem it expedient, issue order to make survey of any land in any part of the area to which this Act extends, for the purpose of settlement and assessment of land revenue and record and preservation of the rights relating thereto, or for any other similar purpose. Such survey shall be called the revenue survey. Such survey may be made of the land of any village, town or city generally of such land only as the Government may direct; and subject to the orders of the Government the Officers conducting such survey may exempt from survey any land the settlement of which does not appear expedient. The entire power to control every such survey shall vest in the Government.

78. Land holders, etc., may be made by general notice or summons, to attend survey operations and assistance of village officers, and officers, concerned may be taken :-

The Survey officer may require, by general notice or summons, the attendance of all land holders and all persons interested in such land, person or through an authorised agent acquainted with the facts and able to answer material questions, and the presence of village servants and officers concerned, who are, legally or by usage, bound to perform their functions by virtue of their offices and services and also take from them such assistance in the

operation of survey as may not be inconsistent with their dignity and position.

79. No number to comprise of less than fixed area :-

Number of any cultivable land shall not be made of less or greater area than fixed by the Government for each district according to different types of land and a statement showing the area fixed shall, before the commencement of the survey be displayed at a conspicuous place in each village. These provisions shall not apply to the numbers which have already been made of a lesser area or which have been made under the special order of a superior Survey officer or which may be made, separately demarcated, under the order of the Collector in accordance with the provisions of Section 25 for purpose other than agricultural.

80. When pattadar or pote number tenders compromise it may be made over to any one of pote pattadars of same number :-

(1) If a pattadar of a pote number of any number tenders comprise the pote number shall be made over to such person from among the Pote pattadars as may be entitled thereto and if there is no such person or he does not take it then to him who pays the largest amount of land revenue and if he also does not take, all the pote pattadars of the same number shall in the same manner successively have the right.

(2)

81. Settlement officers to make assessment :-

Subject to rules made under Section 172 the Survey officer shall, with due regard to laws and subsisting rights, make the assessment on all lands within the local limits in respect of which an order may have been under Section 77. Provided the land is not wholly exempt from the land revenue ; but nothing in this section shall be construed to prevent the Survey officer from making or registering the assessments on land wholly exempt from land revenue or specially expected under Section 77 from settlement or from dividing into numbers all such land where the survey is being made.

82. Assessment of land revenue may be made directly of land or of means of irrigation :-

Where assessment is to be made on the land which is used for

agricultural purpose only, the aforesaid powers shall also include the power to make assessment either directly on the land or to fix a rate of tax for water according to the means of irrigation, provided that of tax has been fixed on such means of irrigation under Section 53 or any other law or that land is assessed in some other manner approved by the Government.

83. Assessments made in settlement shall not be recovered without sanction of Government :-

The assessment made by the Survey Officer shall not be recovered without the sanction of the Government. The Government shall after proper modification, sanction such assessment for any fixed term which in the case of the agricultural land shall not exceed thirty years.

84. Announcement of assessment how made :-

When the assessment fixed by the settlement for the agricultural land is sanctioned by the Government a Survey Officer not lower in rank than an Assistant Commissioner or in his absence the Collector either himself or through any Deputy or Assistant Collector shall fix a date for the announcement of the assessment and at a reasonable time before hand make proclamation and on such date shall publicly announce the assessment fixed on each number. No person by being absent at the time of announcement shall be absolved from any liability to which he may be subject under the announcement of assessment.

85. When assessment fixed shall be levied :-

In the agricultural year in which a settlement, whether original or subsequent, is announced under the last preceding section, assessment fixed shall not be levied but it shall be levied in the subsequent year as may be fixed in the announcement of assessment. Any person who does not agree with the assessment fixed may, before the commencement of that agricultural year, file a compromise under Section 64.

86. Preparation of register :-

(1) The Survey Officer shall, at each settlement, prepare a separate register for each village showing the area and assessment of each number together with the name of the pattadar. This register and other records shall be prepared in accordance with the rules made by the Government by notification.

(2)

(3)

87. Settlement officer to correct clerical and other errors admitted by all parties and application for correction of name to be made within two years :-

The Director of Settlements and on making over the settlement records to the Collector, the Collector may, at any time, correct or cause to be corrected any clerical error or errors admitted by the party concerned. The aforesaid officer shall hear all applications made within two years after the introduction of the settlement, for the correction of any wrong entry of a pattadar's name in the register referred to in the preceding section and if satisfied about the error whether such error has been made through negligence, fraud, or collusion shall correct the same, notwithstanding that the party concerned does not admit the error but no such application shall be entertained after two years, unless reasonable cause is shown to the said officer for the delay, and in such cases if any error is proved it shall not be corrected without obtaining the sanction of the Government.

87A. Delegation of powers of Government :-

(1) Notwithstanding anything in this Act, the Government may, by notification published in the Andhra Pradesh Gazette, delegate their powers under Section 87 to the Settlement Commissioner, and may, by like notification, withdraw any such delegation.

(2) The exercise of the powers delegated under sub section (1) shall be subjected to such restrictions and conditions, if any, as may be specified in the notification.

88. Settlement records to be made over Collector who shall cause village records to be prepared :-

(1) The settlement register and other records prepared by the Survey officers shall be made over to the Collector, who shall cause Village records to be prepared in accordance therewith.

(2)

88A. . :-

89. Division of numbers and fixing of pote numbers on second settlement to be lawful :-

The Survey officer may, on the occasion of any subsequent

settlement, subject to the provisions of Section 79 and under the rules made in this behalf, break up and divide a number into two or more numbers and shall fix separate assessment for each such number and enter the area of each such number and the name of the occupant in the settlement register.

89A. Division of Survey numbers into new Survey numbers :-

Notwithstanding anything contained in Section 79 and Section 89 or rules made thereunder, when any portion of cultivable land is permitted to be used under the provisions of Sections 61 and 62 for non agricultural purpose or when any portion of land is specially set apart under Section 25 or when an assessment on any portion of the land is altered or levied under Section 50, separate survey number may, subject to the rules made by the Government under this Act in this behalf, be made of such portion.

89B. Division of Survey numbers into pote numbers :-

(1) Notwithstanding the provisions of Section 89 the Government at any time, may direct that survey numbers be divided in to so may pote numbers as may be required in view of the rights acquired in land or for any other reason.

(3) The area and the assessment fixed of such pote numbers shall be entered into such records as the Government may prescribe in this behalf.

CHAPTER 8

Dispute Relating to Boundaries and Installation and maintenance of Boundary Marks

90. Determination of village boundaries :-

The Collector or any other officer nominated by the Government for this purpose, or the Settlement Commissioner, if survey operations are proceeding in the village shall enquire about and fix the boundaries of villages and determine disputes, if any, relating thereto. When the Patels and Patwaris of any two or more adjoining villages agree to any given line of boundary and such agreement is not illegal, the officer determining the boundary shall require the said parties to execute an agreement to that effect and shall mark off the boundary accordingly.

91. Procedure in case of disagreement or dispute :-

If the parties do not agree in the manner prescribed in the last preceding section, the said officer shall, after necessary inquiry

make a plan showing the area of the ground in dispute together with the boundaries or marks, existing or which may be stated, in different colours, and shall, after completing the inquiry make an award in the case.

92. Determination of field boundaries :-

If, at the time of a survey, the boundary of a field is pointed out by the holder and it is undisputed and its correctness is also affirmed by the Patel and Patwari of the village the boundary shall be marked. If the boundary of a field is disputed or the landholder is not present or does not point out the same, the Survey officer and when settlement operation is not proceeding the Collector in a case the land is of khalsa area shall fix the boundary according to the entries in village records, and according to occupation if, adverse to the entries in village records, it is established that the occupation extends over a year and no legal action has been taken in connection therewith.

93. Settlement of boundary disputes by arbitration :-

If the parties agree to refer the boundary dispute to arbitration and make an application to that effect in writing, the competent officer shall refer the case to arbitration for settlement ; and to the dispute shall apply all provisions of arbitration relating to civil suits and the powers vested in a Court by virtue of such provisions shall vest in Collector or the Settlement Commissioner.

94. Construction or repair boundary marks of Villages and survey number :-

When survey operations are proceeding, it shall be lawful for the Settlement Commissioner or such other officer authorised by him in this behalf, to cause to be constructed or repaired boundary marks of villages and occupied numbers ; and the officers concerned shall see to their maintenance. The Survey officer shall, by a notification posted in the Chavdi or in some adjacent and conspicuous place, require the holders of lands to construct or repair the boundary marks of their numbers and in accordance with the directions given in the notification within specified period which shall not be less than one month, and on their failure to comply with the requisition within the specified period, the said Survey Officer shall cause the boundary marks to be constructed or repaired and cause charges incurred to be recovered from Pattadar as an arrears of land revenue.

95. Dimensions and form etc.,of boundaries to be

determined with sanction of Chief Revenue Authority :-

The dimensions and form of boundary marks of villages and numbers and the material of which they shall be made, shall be determined with the sanction of the Government according to local conditions, climate, durability and cheapness of materials.

96. Collector to have charge of boundary marks after introduction of settlement :-

When settlement is introduced into a district, the Collector shall be in charge of boundary marks. The Collector may for their preservation and maintenance, exercise all the powers as are vested in a Settlement officer under Section 94.

97. Responsibility for preservation of boundary marks :-

(1) Every land holder shall maintain the boundary marks of the land occupied by him in original condition and if he fails in it and does not carry out necessary repairs in spite of orders of the village and Taluqa officers the Revenue officers, not lower in rank to a Tahsildar, shall cause the necessary repairs to be carried out and recover the charges thereof from the pattadar as an arrear of land revenue.

(2).....

98. Penalty for damaging etc., boundary marks :-

Any person convicted after a summary trial, before a Collector or Deputy or Asst. Collector or Survey officer or Tahsildar, of wilfully erasing, removing or damaging boundary marks, shall be liable to a penalty which may extend to four times the cost of repair or fixation of each mark so erased, removed or damaged and such mark shall be repaired or fixed from such amount.

99. Fixing of limits of village sites :-

The Collector or the Survey officer may, subject to rules and safeguarding the subsisting rights of landholders, determine the limits of a village site.

100. No land revenue to be levied in certain cases on lands within village site :-

No land revenue for purposes of this Act shall in the following cases be levied on lands situated within a village site and not used for purposes of agriculture :

(a) where a person or his legal representative upto the date of

commencement of this Act, has held any land without payment of land revenue and has not made an agreement with the Government to pay it in future ;

(b) where a competent officer has made an order or granted a Sanad in respect of right of occupancy exempting any land from land revenue without fixing any period. In other cases also no land revenue shall be levied on a land within a village site without the sanction of the Government.

101. Procedure on occupying without permission land situate in village site :-

If, after the commencement of this Act, any person without the written permission of the officer, occupies any land situated in the village site which has not been set apart for agriculture the Collector may recover the compensation for occupancy right of such land or fix a land revenue on the land or order both for recovery of compensation and levy of land revenue; and if it is proved that the land was held dishonestly or through mischief he may recover penalty to the extent of double the compensation for occupancy right. And if any building has been constructed on it and the Government purposes or the public benefit is thereby encroached upon if that building is not demolished and not more than one year has elapsed from the date of completion of construction the Collector may, after recording his reasons, order the person who has constructed the building to demolish it and remove the materials thereof within a fixed period which shall not be less than six months. If he does not comply within the period the Collector may seize the building.

102. Suit not to be instituted in Civil Court after one year from order of Collector :-

No suit against the order of the Collector made under Section 101 shall be instituted in any Civil Court after one year from the date of the order.

CHAPTER 9

Realisation of Land Revenue and other Government Demands

103. Responsibility for payment of land revenue :-

The person primarily liable for payment of land revenue for khalsa land, shall be the pattadar of such land and for non khalsa land the superior holder thereof. And when he fails to pay the land revenue, the land revenue may be recovered from Shikmidar, or co sharer of the superior holder or inferior holder or person in actual occupation

of the land, but the amount which he may have paid to the pattadar or superior holder at the time of instalment or thereafter shall not be recovered from him, and the amount so recovered shall be refunded from that pattadar or superior holder. Priority of Government Claim for Land Revenue

104. Government demand to have priority over all claims :-

The demand on any land, for its land revenue shall have priority over other demands whether in respect of debts or mortgage or based on a decree of or attachment by a Court, and if the title to any land on which such Government demand is due is transferred, such land or its transferee shall not be discharged from such demand. If the demand for land revenue which cannot be recovered from the title to or existing produce of that land is due from a person the liability for the payment of the land revenue shall have precedence over debt to decree of a Court also on his property other than the land on which the demand is due; provided that such property before it is forfeited for recovery of the said demand, is not sold or mortgaged or given as a gift or otherwise transferred or hypothecated or attached.

105. Produce of land to be deemed as, hypothecated for payment of land revenue :-

The produce of land for every year shall be deemed to have been hypothecated for land Revenue due for that year. Precautionary Measures for Securing Land Revenue

106. Produce disposed of by sale etc., may be withheld till payment of land revenue :-

When the produce of any land is wholly or partly sold, mortgaged, or otherwise disposed of whether by order of a court or other competent department or with the desire of the land holder, the Collector may prevent such produce being removed until the land revenue for the current year has been paid, though the date for the prescribed instalment has yet not arrived. But in no case shall a produce or a portion of produce, which has been sold, mortgaged or disposed of be detained on account of land revenue of a period exceeding one year.

107. Power of Collector when apprehended that revenue shall not be recoverable :-

If the Collector has reason to believe that any land holder is a defaulter or it is apprehended that land revenue shall not be recoverable on any land in case the crop is reaped or the produce is

sold :

(a) he may require that the standing crop of the land liable to payment of land revenue shall not be reaped without a notice to himself or to the officer appointed by him for this work. Such notice shall be given in writing and returned with acknowledgment receipt and if the crop has been reaped:

(b) he may direct that such crop shall not be removed from the land on which it has been reaped, or from the place where it may have been stored, without the written permission of the Collector or of other officer as aforesaid;

(c) he may appoint a watchman, fixing his pay, to watch that the standing crop is not unlawfully reaped or removed without permission. The pay of such watchman shall not exceed five rupees per month, and may be realised as an arrear of land revenue from the land holders, but if the produce could be watched through the village officers a paid watchman shall not be appointed.

108. Issue of orders provided for in Section 107 and penalty for contravention thereof :-

Orders provided in clauses (a) and (b) of the preceding section may be issued generally or all the co occupants or land holders or individually or any particular holder. If the orders be made generally to all land holders they shall be issued by proclamation to be made by beat of drum and a copy thereof shall be affixed at some conspicuous place in the village Chavadi. If the said orders be made individually they shall be issued separately to each holder concerned. Any person who contravenes the orders so issued or abets such contravention shall be liable, on conviction after a summary enquiry before the Collector to a fine not exceeding double the amount of the land revenue on the land in respect of produce of which the offence is committed.

109. Reaping or removal of produce of land not to be prohibited for such long period as to damage produce :-

The Collector shall not defer the reaping of the crop and its removal so as to damage the produce of the land and if the land revenue has not been paid within two months from the date of attachment or within such lesser time as the Collector may fix in special cases, he shall either release the produce and adopt other measures to realise the land revenue under the provisions of this Chapter or sell such portion of the attached produce under the provisions of this

Chapter relating to sale of movable property for the recovery of revenue the price of which will be sufficient for payment of revenue.

110. Attachment of village or part of village for land revenue :-

If the holding consists of an entire village or of a part of a village and the Collector has reason to believe that owing to a dispute among the sharers or for any other reason its land revenue will not be recoverable in the prescribed instalments, he may temporarily attach the village or part of the village and take it under his own management or entrust it to an officer or agent appointed by him for that work. The provisions of Section 125 shall also apply to any village or part of a village which has been temporarily attached under this section and the income of the village or part of the village in surplus after allowing the costs of attachment and management of the land, and payment of the land revenue and of the cost of survey and settlement, if made under Section 77 shall be kept in deposit for eventual payment to the person entitled to the same, or subject to the orders of the Board of Revenue, shall be paid by the Collector to the person entitled to the same.

111. Precautionary measures to be suspended on security being furnished :-

The precautionary measures provided for in Sections 106 to 110 shall be suspended or relinquished if the person responsible for the payment of land revenue shall pay the entire costs of attachment and management of the land up to the time of relinquishment and shall furnish reliable security to the effect that the land revenue shall be paid on the fixed date or in the prescribed instalments, as the case may be. Mode of Instalment of Land Revenue

112. Government to determine date and instalments for recovery of amount :-

(1) Land Revenue, except under circumstances mentioned in Sections 106 to 110, shall be payable in such instalments and on such dates and at such places, and to such persons as may be determined by order of the Government for this purposes.

(2) No officer shall recover any instalment before prescribed date.
Defaulters

113. Arrears and Defaulter :-

An amount of land revenue not paid as above shall be called an

arrear of land revenue and the persons from whom the arrears is due under Section 103 or any other section shall be called defaulters.

114. Liability incurred in case of non payment of arrear :-

If any instalment be not fully paid even after the expiry of the prescribed time, the Collector may adopt measures to recover both the entire amount of land revenue due by the defaulter for the current year and the interest or penalty as may be recovered according to a scale fixed by the Government but if he is satisfied that the arrear of land revenue is only due to poverty he may remit the penalty or interest and refund the same if already recovered.

115. Certified account to be conclusive evidence as to arrears :-

An account, certified by Peshkar or any other Taluqa officer, higher in rank than a Peshkar, shall be conclusive evidence of the existence of the arrear its amount, or of the person by whom it is due. On receipt of such certified account, the Collector or one district shall proceed to recover the arrear of land revenue of another district under the provisions of this Chapter as if the arrears is of his own district. Recovery of Arrears of Land Revenue

116. Measures for recovery :-

An arrear of land revenue may be recovered by the following measures and as far as possible, the measurers shall be employed in the order mentioned below:

- (a) by issuing a notice to the defaulters under Section 118.
- (b) by distraint and sale of the defaulter's movable property under Section 119:
- (c) by distraint and sale of the defaulter's immovable property under Section 120;
- (d) by arrest and detention of the defaulter under Section 122;
- (e) by forfeiture of the right of occupancy in respect of which the arrear is due under Section 124;
- (f)

117. Measures specified applicable to arrears due both for previous years and current year :-

The measures specified above may be employed for the recovery of

arrear, both of previous years and of the current year, but the preference provided in Section 105 shall apply only to arrears for the current year, and the preference provided in Section 104 shall apply to arrears for three years, except in case any measures for any arrears commenced in the very year for which it is due but it has not been fully executed by the end of the year and the execution is pending. Notice of Demand

118. When and by whom notice of demand may be issued and its costs :-

The Tahsildar may, on any day after the expiry of the date on which the arrear accrues send on any day to the defaulter a notice of demand, and the cost of demand notice being two annas if the amount of demand does not exceed ten rupees, four annas if it exceeds ten rupees but does not exceed twenty five rupees and eight annas in all other cases, may be recovered.

119. Distraint and sale of defaulter s movable property :-

The Tahsildar may distraint and sell the defaulter s movable property. Such distraint shall be made by officers or clerks appointed by him for this work.

120. Distraint and sale of defaulter s immovable property :-

The Collector or the Deputy or Assistant Collector may distrain the defaulter's immovable property other than the land held by him, but where such distraint has been made by the order of the Deputy or Assistant Collectors it shall not be sold except with the sanction of Collector

121. Property of defaulter exempt from attachment :-

All such property of the defaulter shall be exempt from attachment and sale under the preceding sections as is except under the Code of Civil Procedure, 1908 from attachment and sale in execution of a decree of a Court. Collector's order as to what property of the defaulter shall be exempt from attachment and sale shall be final. Arrest and Imprisonment

122. Power to arrest defaulter and send him to Civil Jail :-

After an arrear becomes due, when it may not appear possible to recover it in any other way the defaulter may be kept in custody for ten days in the district or Tahsil office, but if within the said period the arrear, together with penalty of interest and the costs of arrest of and subsistence for the defaulter during custody and the cost of notice that may be recoverable is recovered, the defaulter shall

forthwith be released. If during the period of ten days the amount due is not recovered the Collector may thereafter or if he deems fit before the expiry of ten days, send the defaulter a warrant to remain in custody in the Civil Jail of his district; but no defaulter shall be kept in imprisonment for a period exceeding one month.

123. Power to arrest :-

The Government may declare by notification the officers or class of officers empowered to arrest under Section 122 and the cost of arrest and scale of subsistence for the person under custody. Forfeiture of Occupancy and Eviction of Defaulter

124. Lease and sale of occupancy right :-

(1) The Collector may attach the holding in respect of which land revenue is due and lease it out for a period not exceeding ten years; but if in his opinion it is proper to sell such land he may, with the sanction of the Board of Revenue sell the right of occupancy of the land. Any sum realised by auction or sale or through other management of the land shall be credited to the account of the defaulter.

(2) The Government may, whenever it appears necessary, by general or special order, authorise any Collector or Additional Collector to sell the land attached under sub section (1) without the sanction of the Board of Revenue.

125. Stay of Proceeding for Recovery of Arrears :-

126. Stay of Proceeding for Recovery of Arrears :-

127. Stay of Proceeding for Recovery of Arrears :-

128. Stay of Proceeding for Recovery of Arrears :-

129. Recovery proceedings to be stayed on security being given or amount being paid :-

If, in the presence of the Collector or other officer appointed by him for this purpose and if the defaulter is imprisoned, before the officer of the Jail reliable security or amount in cash towards payment of the aforesaid arrears and other costs is furnished to the satisfaction of the Collector or such other officer he shall forthwith be released from custody or imprisonment. Any person against whom, under some measure, any proceeding for the recovery is pending before any officer may deposit the amount demanded with that officer stating that he has objection for the payment of the

said amount.

130. Procedure for sale and publication of notification :-

When an order for sale of the property of the defaulter is made under the provisions of this Chapter the Tahsildar or any Collector or Deputy or Assistant Collector shall issue a notification in the vernacular. The notification shall contain the following particulars :

- (a) the time and place of sale;
- (b) by whose sanction the sale shall be made final;
- (c) when the property to be sold is revenue land its area and revenue;
- (d) other matters which the Collector may think necessary.

Such notification shall be affixed at some conspicuous place in the chavidi or any place in the village wherein the property was attached and the Tahsildar's Office and its substance shall be proclaimed by beat of drum in the village wherein the property was attached and in such places also as the Collector may deem fit. If the property to be sold be immovable property, a copy of the notification shall also be affixed at some conspicuous place in the Collector's Office and its substance shall be published by beat of drum at the headquarters of the district; and the Collector may in addition to the aforesaid method get very notification published in any other manner also.

131. Objection in respect of attached property :-

When any objection is made by any person in respect of any property for the sale of which notification has been issued and not being a holding the right of occupancy of which has been absolutely forfeited to the Government under Section 124, the Collector shall make a summary inquiry and decide it and excluding the property in respect of which the objection is admitted he shall order the rest to be sold.

132. Sale by whom and when to be made :-

Sale shall be made through such persons as the Collector may appoint for the work on a day not being a public holiday, during ordinary office hours but not within at least thirty days if the property is immovable, and seven days if it is immovable the issue of the notification referred to in Section 130, but this provision shall not apply to perishable articles, which irrespective of the restriction as to said period shall be sold immediately at the discretion of the

officer conducting the sale and he shall have power to finally conclude such sale. The Collector shall have power to stay from time to time the sale for any sufficient reason.

133. When sale may be stayed :-

If at any time before the date fixed for the sale the arrear together with the other lawful charges is deposited by the defaulter with the auctioneer or the person appointed under Section 112 for the recovery of land revenue or if reliable security is furnished under Section 129 the sale shall forthwith be stayed.

134. By whose sanction sale shall be final :-

Every sale or immovable property shall be finally concluded by the sanction of the Collector and that of movable property by the sanction of the officer empowered by the Collector by a general or special order.

135. Mode of payment of purchase money :-

The auction purchaser shall pay the purchase money as directed below :

(a) When the sale is concluded before an officer authorised to confirm and conclude it finally

(1) on account of movable property, in full, immediately after the sale is concluded or within such period as the officer conducting sale may fix.

(2) on account of immovable property one fourth, as deposit, immediately after the sale is concluded and the entire balance within 30 days from the date of sale and if the thirtieth day be a public holiday, then on the first day following the holiday.

136. Resale if purchase money is not paid within prescribed time :-

If purchase money is not paid within the period provided in the preceding section, the deposit money, if any, after defraying therefrom the expenses shall be forfeited to the Government and there shall be a resale and for every such resale, when it does not take place on the day fixed and in the meeting of the first sale, action shall be taken for the issue of a notice under Section 130. If the amount for which the resale was concluded be less than the first sale the deficiency shall be recovered from the purchaser at the first sale as an arrear of land revenue and the purchaser at the first sale shall have no claim to the property sold and the amount of

deposit forfeited.

137. Receipt for purchase money to be furnished and sale as concluded to become absolute :-

On payment of the purchase money the auction purchaser shall get a receipt and after payment of full amount of purchase money such sale, shall subject to the provisions of Sections 138 and 139, become absolute in favour of the purchaser as against all other persons.

138. Application to set aside sale of immovable property :-

At any time within thirty days from the date of sale of immovable property application may be made to the Collector to set aside the sale on the ground of illegality of proceedings material mistake, or fraud, in conducting sale or publishing notification but no sale shall be set aside on such application only unless the applicant proves to the satisfaction of the Collector that he has sustained loss by reason of the illegality, mistake or fraud. If such application be allowed the Collector shall make order to set aside the sale with the direction that it should be resold.

139. Order confirming or setting aside sale :-

If application for setting aside the sale is not made under the preceding section or has been made and rejected the Collector shall make an order confirming the sale; and if he thinks that the sale may set aside on reasonable ground though no such grounds were set forth in the application rejected, he may, after recording his reasons make an order setting aside the sale.

140. Refund of purchase money if sale is not confirmed or set aside :-

Where the sale of any property is not confirmed or set aside the purchaser shall be entitled to receive back the purchase money or the deposit.

141. Putting purchaser into possession of holding sold and entering his name as pattadar in village record :-

Where a sale of a holding for which an arrears of land revenue is due is confirmed in accordance with the aforesaid provisions, the Collector shall put the auction purchaser into possession of the same and shall grant him a certificate to the effect that the person has purchased the occupancy right of the land. The certificate shall be treated as an authority for transfer of that land and the name of the auction purchaser shall be entered into the village records as a

pattadar; and no suit against the purchaser whose name has been recorded in such certificate shall be entertained in a Civil Court on the ground that the certificate holder is not in fact the purchaser but that by mutual agreement certificate has been made in his name.

142. Application of purchase money :-

The purchase money after the sale has been concluded shall be applied first to the payment of expenses of the sale and then to the payment of arrears due by the defaulter at the date of conclusion of the sale and recoverable as an arrear of land revenue, and the person whose property has been sold shall be entitled to the surplus, if any. The expenses of the sale shall be assessed according to the rules and orders approved by the Government.

143. Liability of purchaser for payment of land revenue :-

The person whose name has been entered in the sale certificate as purchaser of occupancy right of the Government land shall be liable for the payment of all instalments of land revenue due in respect of such land subsequent to the date of sale.

144. Sums recoverable under provisions of this Chapter :-

All the Government sums under the following heads may be recovered under the provisions of this Chapter :

- (1) Land revenue
- (2) Quit rent
- (3) Nazrana
- (4) Peshkash
- (5) Taxes
- (6) Local cess
- (7) Fine and penalties
- (8) Income from lands
- (9) Rusum
- (10) Fees
- (11) Charges
- (12) Penal interest

(13) Lease money

(14) Moneys recoverable from sureties

(15) Taccavi loans

(16) All sums in respect of which provision has been made in this Act or in any other Act that they be recovered as arrears of land revenue.

CHAPTER 10

Procedure of Revenue Officers

145. Revenue officer to be subordinate to his superior :-

In all official works and proceedings a Revenue officer shall be subject as to the place, time, and manner, of performing his duty, to the direction and control of his superior, provided there is no express provision in the law to the contrary.

146. Power to issue summons for evidence and producing document etc. :-

Every Revenue officer not lower in rank than a Peshkar of Tahsil the Assistant Settlement Commissioner may issue summons to any person to be examined as a party or to give evidence as a witness or to produce any document or article, as the case may be, for the purposes of an enquiry which he is empowered to make. Such officer shall have all the powers which are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) to compel the attendance of person to whom summons has been issued or the production of document or other article. Every person to whom summonses have been issued shall attend either in person or by an agent as may be directed in the summons and state the truth upon any subject respecting which his statement or evidence is recorded and produce such document and articles as may be required.

147. Form, issue and service of summons :-

The provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) shall apply mutatis mutandis to the form, issue and service of summons.

148. Code of Civil Procedure regarding sustenance allowance to be followed when party desires attendance of witnesses :-

If any party, in any formal or summary inquiry, shall desire the attendance of witnesses he shall follow the rules contained in the

Code of Civil Procedure, 1908 (Central Act 5 of 1908) regarding summons, allowance and sustenance to witnesses. Formal Inquiry

149. Mode of recording evidence in formal inquiry :-

In a formal inquiry, the officer making the inquiry shall in his own hand record evidence in full [] or cause it to be recorded in his presence and under his personal superintendence that it may be audible to him and sign it. The cases in which the officer making the inquiry is not able to record the evidence in his own hand, he shall in the course of examination make, in his own hand, a memorandum of the substance of the deposition of the witness and after signing it cause it to be put on the file. If such officer is not able to record such memorandum, he shall write the reason of his inability.

150. Mode of writing of decisions :-

The competent officer shall after completing the inquiry write every decision in his own hand and fully record therein the grounds on which the decision is based. Summary Inquiry

151. Mode of summary inquiry :-

In summary inquiry the competent officer shall, in the course of inquiry, record a minute of the proceedings in his own hand [] containing the material averments of the parties to the case, the gist of the evidence, and the decision and the reasons in brief for the same. But the officer making an inquiry may, if deemed fit, in the cases where an inquiry directed by this Act is to be summary, act under all or any of the rules in force for formal inquiry.

152. Formal and summary inquiry to be deemed judicial proceedings and to be conducted openly :-

In a formal or summary inquiry provided in this Act the proceedings by a competent officer shall be deemed to be judicial proceedings for purposes of Sections 183, 198 and 210 of the Indian Penal Code, 1860 and his office shall be deemed to be a Civil Court. Every act and decision in a formal or summary inquiry shall be in public, and the parties to the case or their authorised agents, shall be duly given an opportunity for attendance.

153. Mode of ordinary inquiry :-

An inquiry which this Act does not expressly require to be either formal or summary or an inquiry which a Revenue officer may on any occasion deem necessary in the execution of duties, shall be conducted according to any special or general rules, made under

the order of the Government or at the instance of a superior authority and subject to such rules the said officer shall in his discretion adopt such procedure as may be fit for finding out facts and for the public welfare.

154. Manner of obtaining copies and translation :-

In all cases in which a formal or summary inquiry is made authenticated copies and translations of decisions, orders and exhibits shall be furnished to the parties on application being made; and original documents produced in evidence, if they have not been impounded under any rule or by any order or decision, shall be restored to the persons who had produced them; provided that the full charges for copying or translation, as the case may be, have been received in accordance with the rules as are in force by the order of the Government.

155. Arrest to be made by warrant :-

When, under the provisions contained in this Act, a defaulter or any other person is held liable to be arrested, such arrest shall be made upon a warrant of arrest issued by an officer competent to order the arrest, of such person.

156. Power to enter upon land or premises when necessary :-

Every Revenue officer may, enter, whenever necessary for measurements, fixing of boundary marks or inspecting of boundaries, classification of soil, or assessment, or for any other necessity connected with the discharge of duty, any land or premises, whether such land or premises belongs to the Government or to any private individual and whether the revenue is partially or wholly realised from the land or not;

Provided that he shall not enter into any house used as a dwelling without the permission of the occupier of the house and without giving twenty four hours previous notice, and on entering such a house due regard shall be had to the religious and social ideologies of the occupier of the house.

157. Mode of evicting unlawful occupant :-

Whenever a Collector may desire to evict, under the provisions of this Act or any other law, any person having unlawful occupation of any land, such eviction shall be made in the following manner :

(1) a notice shall be served on the unlawful occupant requiring him to vacate the land within a fixed period from the date of receipt of

the notice;

(2) if it is not obeyed such person shall be evicted from the land by force;

CHAPTER 11

Appeal, Review and Revision Appeal

158. Appeal from order of Revenue officer :-

(2) Subject to the provisions of the Andhra Pradesh (Telangana Area) Board of Revenue Regulation, 1358 F., (Regulation LX of 1358F.) an appeal shall lie to the Government from any decision or order passed by a Collector or Settlement Commissioner except in the case of any decision or order passed by such officer on second or third appeal.

(3) When on account of promotion or change of designation, an appeal against any decision or order lies under this section to the same officer who has originally passed the decision or order appealed against, the appeal shall lie to the officer competent under this section to hear appeals against the decisions of the said officer.

(4) Subject to the provisions of the Andhra Pradesh (Telangana Area) Board of Revenue Regulation, 1358 F., (regulation LX of 1358F.) if any decision or order is varied or reversed on revision or review in accordance with the provisions hereinafter land down, an appeal shall lie from the order passed on such revision or review as if such order were an original order or decision.

159. Non appealable orders :-

The following orders shall be non appealable :

(1) order for exemption from period of limitation for a memorandum of appeal or application for review under Section 5 of the Indian Limitation Act, 1908 (Central Act 9 of 1908).

(2) order rejecting an application for revision or review.

160. Period of Limitation :-

Except as otherwise provided in this Act the period of limitation for the appeal preferred under Section 158 shall be as follows :

(1) when the appeal is against the order or decision of an officer lower in rank to a Collector or Settlement Commissioner, 60 days;

(2) in all other cases, 90 days.

161. Original order or copy thereof to be filed along with memorandum etc. :-

The original order or decision appealed against or an authentic copy thereof shall be filed along with every memorandum of appeal.

162. Powers of appellate authority :-

(2) If the memorandum of appeal is admitted, a date shall be fixed for the hearing and the respondent informed of it by a notice.

163. Power to stay execution :-

(1) When a memorandum of appeal is admitted the appellate authority may, pending decision of the appeal, direct the execution of the order or decision under appeal to be stayed.

(2) Any Revenue officer who has passed an order or decision or his successor may, if an appeal against the order or decision has not been preferred to a competent officer, on the application of any aggrieved party at any time within the period of appeal stay the execution of such order or decision for such period (not exceeding three months, in any case) as he may deem fit in order to enable the aggrieved party to present a memorandum of appeal to the competent officer and obtain an order for the stay of execution. Orders under this sub section by which execution is stayed or refused to be stayed shall not be appealable.

(3) When an order of stay of execution is passed under sub section (1) or (2) the appellate authority or the executing officer may, at his discretion, take security from the party concerned or impose any other conditions as may be deemed fit.

164. Final order to be deemed non appealable :-

Whenever in this Act or any rule or order made thereunder, it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order but, subject to the provisions of the Andhra Pradesh (Telangana Area) Board of Revenue Regulation, 1358F (Regulation LX of 1358F). the Government may under Section 166 B, annul, vary or modify even a final order or decision.

165. Propriety or reconsideration of order passed on motion of incompetent officer :-

If in any case on the motion of any officer who is not competent to

deal with it, a superior competent officer passes any order in the first instance, nothing shall prevent such competent officer, on the application of any party, to reconsider the said order and modify, annul, or vary it and such modification, annulment or variation shall be deemed to be in the first instance.

166. Review :-

(3) Where in the opinion of a ... Settlement Commissioner or the Collector the review of an order or decision not passed by him is necessary or when any other Revenue officer, below the rank of a Collector Settlement Commissioner desires to review an order or decision whether passed by him or his predecessor every such officer shall before granting the application for review obtain the sanction of such officer or higher department whose immediate subordinate he may be.

(4) No order or decision shall be modified or annulled on review unless all the parties to the case to be affected are summoned and heard against the order or decision under review.

(5) When a memorandum of appeal or application for revision has been filed against any order or decision, such order or decision shall not be reviewed.

(6) No order or decision shall be reviewed which affects the mutual rights of the ryot unless an application is filed by some party to the case and such application for review shall not be admitted unless it is filed within 90 days from the date of the order or decision.

(7) When an order or decision has been disposed of in appeal or revision, no Revenue officer lower in rank to the authority hearing the appeal or revision shall be competent to review such order or decision.

(8) For purposes of this section, the Collector shall be deemed to, be the successor of every such Revenue officer in the district as may not be present within the limits of the district or who has ceased to have powers in the Revenue Department: Provided that his successor has not been appointed.

(9) Orders passed in review shall on no account be reviewed.

166A. Application of Limitation Act :-

The provisions of the India Limitation Act, 1908 (Central Act 9 of 1908) shall as far as possible, apply to every memorandum of

appeal and application for review under this Act.

166B. Revision :-

(2) Every Revenue Officer lower in rank to a Collector or Settlement Commissioner may call for the records of a case or proceedings for a subordinate department and satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and if, in his opinion, any order or decision or, proceedings should be modified or annulled, he shall put up the file of the case with his opinion to the Collector or Settlement Commissioner as the case may be. Thereupon the Collector or Settlement Commissioner may pass suitable order under the provisions of sub section (1).

(3) The original order or decision or an authentic copy of the original order or decision sought to be revised shall be filed along with every application for revision.

166C. Review by Government :-

(2) This Government may stay the execution of any such decision or order, pending the exercise of their powers under sub-section (1) in respect thereof.

(3) The provisions of this Section shall apply to any order passed under Section 158 or Section 166-B whether before or after the Commencement of the Andhra Pradesh (Telangana Area) Land Revenue (Amendment) Act, 1990 and in the case of an application for review from any person interested in respect of such an order passed prior to such Commencement, the period of ninety days specified in Sub-section 91) shall be computed from the date of such Commencement.

CHAPTER 12

Miscellaneous

167. Inspection of maps survey records and village accounts and granting copies thereof :-

Subjects to such rules and after taking such fees as the Government may prescribe by notification, settlement records, all maps and village accounts shall be open to the inspection of the public and copies and extracts thereof may be given.

168. Rules for partition of an area on which land revenue is levied
The following rules shall be enforced at the partition

of any area on which land revenue is levied :-

(1) The area shall be divided as far as possible according to numbers without sub dividing any number; But if the partition cannot be completely effected without sub dividing a number, such number may be sub divided by the Collector, subject to the provisions of Section 79.

(2) Any number or its pote number which may remain undivided after the partition has been carried out under the preceding rule and which is incapable of sub division or further sub division according to Section 79, shall be made over to one of the sharers; provided that such sharer pays to the other sharers the consideration for their sharers or they shall be sold or auctioned and the proceeds divided among all the sharers or disposed as of as the Collector thinks fit.

(3) The expenses properly incurred in making such partition shall be recoverable as an arrear of land revenue in such proportions as the Collector thinks fit from all the shares or from the persons at whose request partition is made or from the persons interested in such portion.

169. . :-

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170. . :-

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171. . :-

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172. Power to make rules :-

(1) The Government may, by notification published in the Official Gazette, make rules not inconsistent with the provisions of this Act, the carry out the purposes and objects of this Act and for the guidance of all persons in the matters connected with the enforcement of this Act or in matters not expressly provided for in the Act.

173. Punishment for breach of rules :-

(1) The Government may prescribe punishment for breach of rules which may either be imprisonment to the extent of one month or fine which may extend to five hundred rupees or both.

(2) Under sub section (1) punishment on conviction shall be awarded by a magistrate.