

**ANDHRA PRADESH (TELANGANA AREA) PREVENTION OF
FRAGMENTATION AND CONSOLIDATION OF HOLDINGS ACT,
1956**

40 of 1956

[25th September, 1956]

CONTENTS

CHAPTER 1 :- Preliminary

1. Short title, extent and commencement
2. Definitions

**CHAPTER 2 :- Determination of Local and Standard Areas and
Treatment of Fragments**

3. Determination of local area
4. Settlement of standard areas
5. Determination and revision of standard area
6. Entry in the Record of Rights
7. Transfer and lease of fragments
8. Restriction on permanent alienation of land, etc.
9. Restriction on partition of land
10. Sections 7, 8 and 9 not to apply to transfer for public purpose
11. Penalty for transfer or partition contrary to provisions of Act
12. Transfer of fragment to the Government
13. Determination of compensation for purpose of Section 12
14. Fragment not to be sold at court sale or created by such sale

CHAPTER 3 :- Procedure for Consolidation

15. The Government may of its own accord or on application declare its intention to make scheme for consolidation of holdings
16. Preparation of the Scheme and the principles to be followed in its preparation
17. Scheme to provide for compensation
18. Amalgamation of public roads, etc, within scheme for consolidation of holdings
19. Lands reserved for common purposes
20. Publication of draft scheme
21. Confirmation of scheme
22. Right to possession of new holdings
23. Coming into force of Scheme
24. Certain laws, no ban on transfer of holdings

- 25. Certificate of transfer
- 26. Assessment and recovery of cost
- 27. Recovery of compensation or costs or other sums payable under this Act

CHAPTER 4 :-Effect of Consolidation Proceedings and of Consolidation of Holdings

- 28. Exercise by Consolidation Officer of powers under certain Acts
- 29. Stay of proceedings under Sections 120 and 124 of Act VIII of 1317 F. ban on transfer of land during continuance of consolidation proceedings
- 30. Rights in holdings
- 31. Transfer of encumbrances
- 32. Consolidation Officer to decide whether lease should be transferred or not
- 33. Apportionment of compensation or net value in case of dispute
- 34. Alienation and sub division of consolidated holdings
- 35. Power to vary scheme on the ground of error, irregularity or informality
- 36. Power to revoke scheme at any time

CHAPTER 5 :- Other powers of Consolidation Officers

- 37. Power of officers to enter upon land for purposes of survey and demarcation
- 38. Penalty for destruction, injury or removal of survey marks
- 39. Report of destruction or removal or injury to survey mark
- 40. Power of Consolidation Officer to summon persons

CHAPTER 6 :- General

- 41. Appointment of officers and staff delegation of powers
- 42. Constitution of Village Committee
- 43. Power of Government to call for proceedings
- 44. Appeal and revision
- 45. Jurisdiction of Civil Court barred as regards matters arising under this Act
- 46. Public servants indemnified for acts done under this Act
- 47. Rules
- 48. Amendment of Act XXI of 1950

ANDHRA PRADESH (TELANGANA AREA) PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS ACT, 1956

40 of 1956

[25th September, 1956]

An Act to provide for the prevention of fragmentation of agricultural

holdings and for their consolidation. Whereas it is expedient to prevent the fragmentation of agricultural holding and to provide for the consolidation of agricultural holdings for the purpose of the better cultivation thereof; Be it enacted in the Seventh Year of Our Republic as follows

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh (Telangana Area) Prevention of Fragmentation and Consolidation of Holdings Act, 1956.

(2) It extends to the whole of the Telangana area of the State of Andhra Pradesh.

(3) This section shall come into force at once and the remaining provisions of this Act shall come into force in such area and from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for the coming into force of different provisions of this Act.

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) agricultural year means the year commencing on the first day of April;

(b) consolidation of holdings means the amalgamation and where necessary redistribution of holdings or portions of holdings in any village, or taluka, or any part thereof so as to reduce the number of plots in holding;

(c) Consolidation Officer means an officer appointed as such under Section 15 by the Government and includes any person authorised by the Government to perform all or any of the functions of the Consolidation Officer under this Act;

(d) Co operative Society, means a co operative society registered or deemed to be registered under the Andhra Pradesh Co operative Societies Act, 7 of 1964.

(e) Fragment means a plot of land of less extent than the appropriate standard area determined under this Act: Provided that

no plot of land shall be deemed to be a fragment by reason of any diminution in its area by diluvium;

(f) land means agricultural land whether alienated or unalienated;

(g) local area means any area notified as such in the Official Gazette under Section 3;

(h) owner means a person who has permanent and heritable rights of possession of land, and when unalienated land has been mortgaged, owner means the mortgager;

(i) prescribed means prescribed by rules made under this Act;

(j) standard area in respect of any class of land means the area which the Government may from time to time determine under Section 5 as the minimum area necessary for profitable cultivation in any particular local area, and includes a standard area revised under the said section;

(k) village committee means the Village Committee constituted under Section 42;

(1) Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F. or the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950.

CHAPTER 2

Determination of Local and Standard Areas and Treatment of Fragments

3. Determination of local area :-

The Government may, after such inquiry as it deems fit, issue a notification in the Official Gazette, to specify a village taluka or any part thereof as a local area for the purposes of this Act.

4. Settlement of standard areas :-

(1) The Government may, after such inquiry as it deems fit and after consultation with the Land Commission established under Section 87 A of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, or such other authority as it may deem fit, provisionally settle for any class of land in any local area the minimum area that can be cultivated profitably as a separate plot.

(2) The Government shall, by notification in the Official Gazette

and in such other manner as may be prescribed, publish the minimum areas provisionally settled by it under sub section (1) and invite objections thereto.

5. Determination and revision of standard area :-

(1) The Government shall, after considering the objections, if any, received within four months of the date of publication of the notification under sub section (2) of Section 4 in the village concerned and making such further inquiry as it may deem fit, determine the standard area for each class of land in such local area.

(2) The Government may, at any time, if it deems it expedient so to do, revise a standard area determined under sub section (1). Such revision shall be made in the manner laid down in Section 4 and sub section (1).

(3) The Government shall, by notification in the Official Gazette and in such other manner as may be prescribed, give public notice of any standard area determined under sub section (1) or revised under sub section (2).

6. Entry in the Record of Rights :-

(1) On notification of a standard area under sub section (3) of Section 5 for a local area all fragments in the local area shall be entered in the Record of Rights, or where there is no Record of Rights in such village record as the Government may prescribe.

(2) Regulation LVIII of 1358 F:- Notice of every entry made under sub section (1) shall be given in the manner prescribed for the giving of notice under the Andhra Pradesh (Telangana Area) Record of Rights in Land Regulation, 1358 F. of an entry in the register of mutations.

7. Transfer and lease of fragments :-

(1) No person shall transfer fragment in respect of which a notice has been given under sub section (2) of Section 6 except to the owner of a contiguous survey number or recognised sub division of a survey number.

Provided that the holder of such fragment may mortgage or transfer it to the Government or a land mortgage Bank or any other Co operative Society as security for any loan advanced to him by

the Government or such Bank or Society, as the case may be.

(2) Notwithstanding anything contained in the Andhra Pradesh (Telangana Area) and Agricultural Lands Act 1950, no such fragment shall be leased to any person other than a person cultivating any land which is contiguous to the fragment.

(3) No such fragment shall be sub divided or partitioned.

8. Restriction on permanent alienation of land, etc. :-

No land shall be permanently alienated, leased or sub divided so as to create a fragment.

9. Restriction on partition of land :-

(1) Where, by transfer, decree, succession or otherwise, two or more persons are entitled to shares in an undivided property, and such property has to be divided among them, such partition shall be effected so as not to create a fragment.

(2) Where such sub division or partition is made by the Court or the Collector, the following procedure shall be adopted:

(a) If, in effecting a partition of property among several co sharers, it is found that a co sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment he shall be compensated in money for that share. The amount of compensation shall be determined so far as practicable in accordance with the provisions of Sec. 18 of the Hyderabad Land Acquisition Act, 1309 Fasli (IX of 1309 Fasli).

(b) If, in effecting a partition, it is found that there is not enough land to provide for the shares of all the co sharers in accordance with the provisions of sub section (1), the co shares may agree among themselves as to the particular co sharer or co sharers who should get the share of land and which of them should be compensated in money. In the absence of such agreement, the co sharers to whom a share of land can be provided and those to whom money compensation should be given shall be chosen by lot in the manner prescribed.

(c) The compensation shall be payable by each co sharer getting an excess over the share of land legally due to him, and such co sharer shall deposit the amount of such compensation in the manner prescribed before taking possession of the share allotted to him. On his failure to do so, his share shall be allotted to any other co

sharer to whom land has not been previously allotted and who is chosen in the manner provided in clause (b) subject to the payment of similar compensation to the co sharers, not getting shares of land.

(d) If none of the co sharers to whom land has been allotted under clause (c) pays the compensation and takes the share, the share shall be sold in auction to the highest bidder, and the purchase money shall be paid to the co sharers not getting land in proportion to their respective shares.

(e) where the parties agree upon any other method of partition which will not result in the creation of a fragment, that method shall be followed in effecting partition.

(3) Where a partition is effected in execution of a decree all questions relating to the division of the land and apportionment of compensation shall be decided by the Court executing the decree or by the Collector effecting the partition as the case may be, in accordance with the provisions of sub section (2).

10. Sections 7, 8 and 9 not to apply to transfer for public purpose :-

Nothing in Sections 7, 8 and 9 shall apply to a transfer of any land for such public purpose as may be specified in this behalf by the Government by notification in the Official Gazette.

11. Penalty for transfer or partition contrary to provisions of Act :-

(1) The transfer or partition of any land contrary to the provisions of this Act shall be void.

(2) The owner of any land so transferred or partitioned shall be liable to pay such fine not exceeding Rs.500 as the Collector may subject to the general orders of the Government, direct. Such fine shall be recoverable as arrears of land revenue.

(3) Any person unauthorizedly occupying, or wrongfully in possession of any land, the transfer or partition of which, either by the act of parties or by the operation of law, is void under the provisions of this Act, may be summarily evicted by the Collector.

12. Transfer of fragment to the Government :-

(1) Any owner of a fragment may transfer it to the Government for

the purposes of this Government on payment by the Government of such compensation to persons possessing interest therein as the Collector may determine and thereupon the fragment shall vest absolutely in the Government for the purpose of the Government free from all encumbrances.

(2) Any such fragment may be disposed of as unoccupied land under the provisions of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F.

13. Determination of compensation for purpose of Section 12 :-

In determining the compensation for the purposes of Section 12, the Collector shall have regard to the provisions of Section 18 of the Hyderabad Land Acquisition Act, 1309 Fasli (IX of 1399 Fasli).

14. Fragment not to be sold at court sale or created by such sale :-

Notwithstanding anything contained in any law for the time being in force, no fragment, in respect of which a notice has been given under sub section (2) of Section 6, shall be sold at any sale held under the orders of any Court except to the owner of a contiguous survey number or recognised sub division of a survey number and no land shall be sold at such sale so as to leave a fragment.

CHAPTER 3

Procedure for Consolidation

15. The Government may of its own accord or on application declare its intention to make scheme for consolidation of holdings :-

With the object of consolidating holdings in any village or taluqa or any part thereof for the purpose of better cultivation of lands therein, the Government may, of its own motion or on application made in this behalf, declare by a notification in the Official Gazette and by publication in the prescribed manner in the village or villages concerned its intention to make a scheme for the consolidation of holdings in such village or villages or part thereof as may be specified. On such publication in the village concerned the Government may appoint a Consolidation Officer, who shall proceed to prepare a scheme for the consolidation of holdings in such village or villages or part thereof, as the case may be, in the manner hereinafter provided.

16. Preparation of the Scheme and the principles to be

followed in its preparation :-

(1) The Consolidation Officer shall, after giving due notice to the land owners concerned and the Village Committee, visit each of the concerned villages and shall in consultation with the Village Committee proceed to prepare a scheme for the consolidation of holdings which shall include such statements, records and maps as may be prescribed.

(2) In preparing the scheme the Consolidation Officer shall have regard to the procedure which the Government may from time to time prescribe in regard to the number of blocks in which the village lands are to be grouped the manner of allotting new plots to each owner, the recommendations of the Village Committee and such other matters as may be prescribed.

17. Scheme to provide for compensation :-

(1) The scheme prepared by the Consolidation Officer shall provide for the payment of compensation to any owner who is allotted a holding of less market value than that of his original holding and for the recovery of compensation from any owner who is allotted a holding of greater market value than that of his original holding provided that no compensation shall be payable for the prorata cut in the extent or value of the holdings resulting from the assignment of land under Section 19.

(2) The amount of compensation shall be determined so far as practicable in accordance with the provisions of Section 18 of the Hyderabad Land Acquisition Act, 1309 F.

18. Amalgamation of public roads, etc, within scheme for consolidation of holdings :-

(1) Whenever in preparing a scheme for the consolidation of holdings, it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, lane or path with any holding in the scheme, he shall make a declaration to that effect stating in such declaration that it is proposed that the rights of the public as well as of all individuals in or over the said road, street, land or path shall be extinguished or, as the case may be, transferred to a new road, street, lane or path laid out in the scheme of consolidation.

(2) The declaration in sub section (1) shall be published in the

village concerned in the prescribed manner along with the draft scheme referred to in Section 20.

(3) Any member of the public, or any person having any interest or right, in addition to the right of public highway in or over the said road, street, lane or path, or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub section (1), state to the Consolidation Officer in writing his objection to the proposal, the nature of such interest or right and the manner in which it likely to be adversely affected and the amount and the particulars of his claim to compensation for such interest or right:

Provided that no claim for compensation on account of the extinction or diminution of the right of public highway over such road, street, lane or path shall be entertained.

(4) The Consolidation Officer, shall after considering the objections, if any, made to the proposal, submit it with such amendments, if any, as he may considers necessary to the Settlement Commissioner, together with the objections received, his recommendations thereon and a statement of the amounts of compensation, if any which in his opinion are payable, and of the persons by whom and the persons to whom such compensation is payable. The decision of the Settlement Commissioner on the proposal and regarding the amount of compensation and the persons by whom such compensation, if any, is payable, shall, subject to any modification made by the Government, be final.

19. Lands reserved for common purposes :-

Notwithstanding anything contained in any law for time being in force, it shall be lawful for the Consolidation Officer to direct in consultation with the Village Committee

(a) that any land specifically assigned for any common purpose shall cease to be so assigned and to assign any other land in its place;

(b) that if in any area under consolidation no land is reserved for any common purpose including extension of the village sites, or if the land so reserved is inadequate, to assign other land for such requirements and for that purpose to effect a pro rata cut in all the holdings of the village.

20. Publication of draft scheme :-

(1) When the draft scheme of consolidation is ready for publication, the Consolidation Officer shall publish it in the prescribed manner in the village or villages concerned, any person likely to be affected by such scheme shall, within thirty days of such publication, communicate in writing to the Consolidation Officer any objections relating to the scheme. The Consolidation Officer shall after considering the objections, if any, received, submit the scheme with such amendment as he considers to be necessary, together with his remarks on the objections to the Settlement Commissioner.

(2) The Consolidation Officer shall also publish the scheme as amended by him.

21. Confirmation of scheme :-

(1) If within thirty days of its publication no objections are received to the draft scheme published under sub section (1) or the amended draft scheme published under sub section (2) of Section 20, as the case may be, the Settlement Commissioner shall confirm the scheme.

(2) If any objections are received to the amended draft scheme published under sub section (2) of Section 20, the Settlement Commissioner shall, after taking the objections into consideration, submit it with such modifications as he considers necessary to the Board of Revenue.

(3) The Board of Revenue may either confirm the scheme with or without modification or refuse to confirm it:

Provided that the Board of Revenue shall, if the scheme has been modified by the Settlement Commissioner under sub section (2), publish it as so modified, and take into consideration the objections, if any, received within thirty days of such publication before acting under this sub section.

(4) If the Board of Revenue refuses to confirm the scheme, it shall refer the whole case back to the Consolidation Officer through the Settlement Commissioner for redrafting the scheme. All the foregoing provisions of this Chapter shall apply to the scheme so redrafted.

22. Right to possession of new holdings :-

(1) Upon the confirmation of the scheme under sub section (1) or (3) of Section 21, a notification stating that the scheme has been confirmed shall be published in the Official Gazette, and the scheme as confirmed shall be published in the prescribed manner in the village or villages concerned. If two thirds or more of the owners affected by such scheme agree to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow all the owners to enter into such possession forthwith or from such date as may be specified by him.

(2) If two thirds or more of such owners do not agree to enter into possession under sub section (1), all the owners shall be entitled to possession of the holdings allotted to them under the scheme from the commencement of the agricultural year next following the date of publication of the notification in the Official Gazette under sub section (1).

(3) In enforcing the provisions of sub section (1) or (2), the Consolidation Officer shall, if necessary, put the owners in possession of the holdings to which they are entitled under the scheme and for doing so may, in the prescribed manner, evict any person from any land.

(4) Notwithstanding anything contained in sub section (2) no owner shall be entitled to possession of any holding allotted to him under the scheme unless he deposits in the prescribed manner within sixty days of the commencement of the said agricultural year such compensation as is recoverable from him under the scheme.

(5) Where an owner fails to comply with the provisions of sub section (3), his right in such holding may be allotted in the prescribed manner by the Consolidation Officer to any other person who pays the value of the holding, and in such case the value realised after deducting the expense (hereinafter called the net value) shall be paid to the owner and other person having an interest in the holding.

(6) If no person is forthcoming to pay the value of the holding, the Government may recover from the owner the compensation recoverable from him under the scheme as an arrear of land revenue or the Government may itself purchase the holding after paying the net value of the holding to the owner and any other person having interest in the holding.

23. Coming into force of Scheme :-

As soon as the persons entitled to possession of holdings under this Act have entered into possession of the holdings respectively allotted to them, the scheme shall be deemed to have come into force.

24. Certain laws, no ban on transfer of holdings :-

Notwithstanding anything contained in any law for the time being in force, the rights of owners, or other persons having interest, shall for the purpose of giving effect to any scheme of consolidating them be transferable by exchange or otherwise.

25. Certificate of transfer :-

(1) The Consolidation Officer shall grant every owner to whom a holding has been allotted in pursuance of a scheme of consolidation and to every person to whom a right is allotted under sub section (5) of Section 22, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908 to the effect that the holding has been transferred to him in pursuance of the scheme.

(2) Notwithstanding anything contained in any law for the time being in force no stamp or registration fee shall be payable in respect of such certificate.

26. Assessment and recovery of cost :-

The cost of carrying out the scheme of consolidation shall be assessed in the prescribed manner and recovered from the persons whose holdings are affected thereby, in such proportion and at such rates as may from time to time be determined by the Government.

27. Recovery of compensation or costs or other sums payable under this Act :-

Compensation under Section 17 or costs under Section 26 or any other sums payable under this Act shall be recoverable as arrears of land revenue.

CHAPTER 4

Effect of Consolidation Proceedings and of Consolidation of Holdings

28. Exercise by Consolidation Officer of powers under certain Acts :-

(1) During the continuance of the consolidation proceedings the Consolidation Officer shall exercise and discharge the functions of a Revenue Officer under the Andhra Pradesh (Telangana Area) Land

Revenue Act 1317 F. and the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and no Revenue Officer other than the Consolidation Officer shall take any proceedings under any of the said Acts in respect of any holding or land for the consolidation of which a notification has been issued under Section 15.

(2) Where in respect of any holding the Consolidation Officer proceeds to prepare a scheme under Section 16

(a) all applications and proceedings including execution proceedings pending before any Revenue Officer under any of the said Acts in respect of any holding or land for the consolidation of which a notification has been issued under Section 15, shall be transferred to the Consolidation Officer; and

(b) the Consolidation Officer shall, by proclamation, call upon all persons who claim to be entitled to possession under any of the said Acts of any holding for the consolidation of which a notification has been issued under Section 15 to make within the prescribed period an application to be put in possession of such holdings; and any person who fails to do so within the prescribed period shall thereafter be debarred from making it:

Provided that nothing in this clause shall debar any person from making after the coming into force of a scheme of consolidation under Section 23, any application in respect of any holding included in the scheme, if such application could lie under the provisions of any law for the time being in force.

(3) The Consolidation Officer shall submit any order passed by him under any of the said Acts to the Collector for confirmation if an application in that behalf is made to him by any party to a proceeding under this section within thirty days from the date of the order.

29. Stay of proceedings under Sections 120 and 124 of Act VIII of 1317 F. ban on transfer of land during continuance of consolidation proceedings :-

When a Consolidation Officer proceeds to prepare a scheme under Section 16, during the continuance of the consolidation proceedings,

(a) no proceedings

- (i) under Section 120 or 124 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F.;
 - (ii) for execution of any award made under the Andhra Pradesh Co operative Societies Act, 7 of 1964
 - (iii) for execution of any award made under the Andhra Pradesh (Telangana Area) Debt Conciliation Act, 1349 F. or the Andhra Pradesh (Telangana Area) Agricultural Debtors Relief Act, 1956; or
 - (iv) for execution of any decree passed by a Civil Court, in respect of any land in respect of which a notification has been issued under Section 15 shall be commenced; and all such proceedings if commenced, shall be stayed;
- (b) no person shall transfer any land in respect of which a notification under Section 15 has been issued.

30. Rights in holdings :-

Every owner to whom a holding is allotted in pursuance of a scheme of consolidation shall have the same rights in such holding as he had in his original holding:

Provided that nothing in this section shall apply to any person to whom a holding has been allotted under the provisions of sub section (5) of Section 22.

31. Transfer of encumbrances :-

(1) If the holding of an owner included in a scheme of consolidation which has come into force under Section 23 is burdened with a mortgage, debt or other encumbrance other than a lease, such mortgage, debt or other encumbrance shall be transferred therefrom and attach itself to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer may, subject to any rules made under Section 47 appoint; and the mortgagee, creditor or other encumbrancer, as the case may be, shall exercise his rights accordingly.

(2) If the holding to which a mortgage, debt or other encumbrance is transferred under sub section (1) is of less market value than the original holding from which it is transferred the mortgagee, creditor or other encumbrancer, as the case may be, shall subject to the provisions of Section 33 be entitled to the payment of such compensation by the owner of the holding as the case may require, as the Consolidation Officer may determine.

(3) Notwithstanding anything contained in Section 22, the Consolidation Officer shall, in the prescribed manner put any mortgagee or encumbrancer entitled to possession into possession of the holding to which his mortgage or other encumbrance has been transferred under sub section (1).

32. Consolidation Officer to decide whether lease should be transferred or not :-

(1) If the holding of an owner included in a scheme of consolidation which has come into force under Section 23 is burdened with a lease, the Consolidation Officer shall by an order in writing determine whether such lease shall or shall not be transferred therefrom. A copy of the order passed by the Consolidation Officer under this sub section shall be affixed to a place near the holding and shall also be published in the prescribed manner.

(2) If the Consolidation Officer determines that such lease shall be transferred from the original holding it shall attach itself to the holding allotted to the owner under the scheme or such part of it as the Consolidation Officer may, subject to any rules made under Section 47, appoint and the lessee shall exercise his rights accordingly. The provisions of sub sections (2) and (3) of Section 31 shall apply to such lease as if the lease were a mortgage or other encumbrance.

(3) If the Consolidation Officer determines that such lease shall not be transferred from the original holding it shall remain attached thereto and the owner to whom such holding is allotted under the scheme shall hold it subject to such lease; and the Provisions of the Andhra Pradesh (Telangana Area). Tenancy and Agricultural Lands Act, 1950 shall, so far as may be, notwithstanding the change in ownership, apply to such lease; and the rights and liabilities of such owner and the lessee shall be governed by the provisions of the said Act as between the landlord and his tenant:

Provided that such owner shall not be entitled to arrears of rent due under such lease immediately before the allotment of the holding as aforesaid.

(4) An appeal against the decision of the Consolidation Officer under this section shall lie to the Collector within the prescribed time.

33. Apportionment of compensation or net value in case of

dispute :-

Where there is a dispute in respect of the apportionment of

(a) the amount of compensation determined under sub section (2) of Section 17 or sub section (4) of Section 18;

(b) the net value realised or payable under sub section (5) or (6) of Section 22;

(c) the total amount of compensation determined under sub section 31; the Consolidation Officer shall refer the dispute to the decision of the District Court and deposit the amount of the compensation or net value, as the case may be, in the Court and thereupon the provisions of Sections 28 and 43 of the Land Acquisition Act, 1309 (IX of 1309 F.), shall, so far as may be, apply.

34. Alienation and sub division of consolidated holdings :-

Notwithstanding anything contained in any law for the time being in force, no person to whom a holding has been allotted under this Act shall

(a) transfer any holding or part thereof except in accordance with such conditions as may be prescribed;

(b) except with the permission in writing of the Board of Revenue, sub divide such holding.

35. Power to vary scheme on the ground of error, irregularity or informality :-

(1) If after a scheme has come into force it appears to the Board of Revenue that the scheme is defective on account of an error, irregularity or informality, the Board of Revenue shall publish a draft of such variation in the prescribed manner. The draft variation shall state every amendment proposed to be made in the scheme.

(2) Within one month of the date of publication of the draft variation any person affected thereby may communicate in writing any objection to the Board of Revenue through the Settlement Commissioner.

(3) After receiving the objections under sub section (2) the Board of Revenue may, after making such enquiry as it may think fit, by notification in the Official Gazette, make the variation without modifications or may not make any variation.

(4) From the date of the notification making the variation, the

variation shall take effect as if it were incorporated in the scheme.

36. Power to revoke scheme at any time :-

A scheme for the consolidation of holdings confirmed under this Act may at any time be varied or revoked by a subsequent scheme prepared, published and confirmed in accordance with this Act.

CHAPTER 5

Other powers of Consolidation Officers

37. Power of officers to enter upon land for purposes of survey and demarcation :-

The Consolidation Officer and any person acting under his orders may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

38. Penalty for destruction, injury or removal of survey marks :-

If any person wilfully destroys or injures or without lawful authority removes a survey mark lawfully erected, he may be ordered by a Consolidation Officer to pay fine not exceeding fifty rupees for each mark so destroyed, injured, removed as may, in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any who gave information of the destruction, injury or removal.

39. Report of destruction or removal or injury to survey mark :-

Every Village Officer shall be legally bound to furnish a Consolidation Officer with information respecting the destruction or removal of or an injury done to, any survey mark lawfully erected in the village.

40. Power of Consolidation Officer to summon persons :-

(1) A Consolidation Officer may summon any person whose attendance he considers necessary for the purpose of any business before him as a Consolidation Officer.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognised agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be

bound to state the truth upon any matter respecting which he is examined or make statements and to produce such documents and other things relating to any such matter as the Consolidation Officer may require.

CHAPTER 6

General

41. Appointment of officers and staff delegation of powers

:-

(1) The Government may, for the administration of this Act, appoint such persons as it thinks fit, and may, by notification in the Official Gazette, delegate any of its powers or functions under this Act to any of its officers either by name or designation.

(2) The Board of Revenue may, by notification in the Official Gazette, invest the Collector with all or any of the powers of the Settlement Commissioner under this Act, and by a like notification invest the Consolidation Officer with all or any powers of the Collector under the Act.

(3) A Consolidation Officer may, with the sanction of the Board of Revenue, delegate any of his powers or functions under this Act to any person in the service of the Government.

42. Constitution of Village Committee :-

(1) The Village Committee shall be constituted by the Consolidation Officer in the prescribed manner and it shall discharge and perform, in addition to the duties and functions imposed or assigned by this Act, such other duties and functions as may be prescribed for the purposes of this Act.

(2) Where at any time the Collector is satisfied that the Village Committee has refused or failed without reasonable cause or excuse to discharge the duties or perform the functions imposed or assigned by or under this Act or circumstances have so arisen that the Committee has been rendered unable to discharge the duties or perform the functions aforesaid or it is otherwise expedient or necessary to do so he may by notification in the Official Gazette either reconstitute for the purposes of this Act the Village Committee in accordance with the provisions of sub section (1) or appoint some other authority to perform the functions or discharge the duties of the Village Committee under this Act and thereupon all references to the Village Committee under this Act shall be

deemed to include references to the Village Committee so constituted or the authority so appointed, as the case may be.

43. Power of Government to call for proceedings :-

The Government may at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by any officer under this Act call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit;

Provided that no order shall be varied or revised without giving the parties interested notice to appear and opportunity to be heard.

44. Appeal and revision :-

Except as provided in this Act, no appeal or revision application shall lie from any order passed under this Act.

45. Jurisdiction of Civil Court barred as regards matters arising under this Act :-

No Civil Court shall entertain any suit instituted or application made, to obtain a decision or order in respect of any matter which the Government or any officer or authority is, by this Act, empowered to determine, decide or dispose of.

46. Public servants indemnified for acts done under this Act :-

No suit or other legal proceedings shall be maintained in respect of the exercise of any power or discretion conferred by this Act, or against any public servant or person duly appointed or authorised under this Act, in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

47. Rules :-

(1) The Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the Government may make rules, providing for

(a) the manner of publication under sub section (2) of Section 4;

(b) the manner of giving public notice under sub section (3) of Section 5;

(c) village records in which fragments shall be entered under sub

section (2) of Section 6;

(d) the manner of choosing by lot under Clause (b) of sub section (2) of Section 9;

(e) the manner of publication of the intention to make a scheme under Section 15;

(f) the statements, records and maps to be included in the scheme of consolidation and the procedure and other matters to be observed in the preparation of the scheme under Section 16;

(g) the manner of publication under sub section (2) of Section 18 of a declaration made under sub section (1) of the said section;

(h) the manner of publication of a draft scheme of consolidation of holdings under sub section (1) of Section 20;

(i) the manner of publication of a scheme under sub section (1) of Section 22 on its being confirmed;

(j) the manner in which a person may be evicted under sub section (3) of Section 22;

(k) the manner in which compensation recoverable from an owner shall be deposited by him under sub section (4) of Section 22;

(l) the manner in which right of holding may be allotted under sub section (5) of Section 22;

(m) the form in which a certificate shall be granted under Section 25;

(n) the manner of assessing the cost of consolidation of holdings under Section 26;

(o) the period within which an application shall be made under Clause (b) of sub section (2) of Section 28;

(p) the guidance of the Consolidation Officer and other officers and persons in respect of transfer of a mortgage, debt or other encumbrance under sub section (1) of Section 31;

(q) the manner of putting any mortgagee or other encumbrancer into possession under sub section (3) of Section 31;

(r) the conditions in accordance with which holdings may be transferred under Clause (a) of Section 34;

(s) the manner of publication of a draft variation under sub section (1) of Section 35;

(t) the manner in which the area and assessment (including water rate, if any) of each reconstituted holding or part of such holding shall be determined;

(u) the manner in which corrections shall be made in the Record of Rights in accordance with a scheme of consolidation;

(v) the manner in which the Village Committee shall be constituted under Section 42 and the other duties and functions of that Committee;

(w) generally for the guidance of the Consolidation Officer and other officers and persons in all proceedings under this Act;

(x) any other matter which is to be or may be prescribed.

48. Amendment of Act XXI of 1950 :-

In the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands, Act, 1950 -

(1) Clause (d) and (hh) of sub section (1) of Section 2 shall; be omitted;

(2) for Clause (iii) of sub section (4) of Section 44, the following clause shall be substituted, namely: - "(iii) securing as far as possible contiguous blocks to the landholder, or the protected tenant;"

(3) Chapter VII shall be omitted;

Provided that the omission of the said Chapter shall not affect the previous operation of that Chapter, and any action taken thereunder before the commencement of this Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been taken under this Act and shall continue in force until it is superseded under this Act.